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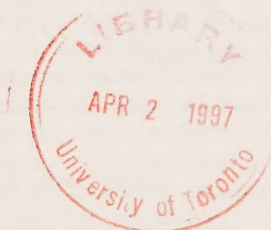
Lundi 3 mars 1997

**Standing committee on
general government**

City of Toronto Act, 1996

**Comité permanent des
affaires gouvernementales**

Loi de 1996 sur la cité de Toronto



Chair: Bart Maves
Clerk: Lynn Mellor

Président : Bart Maves
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Monday 3 March 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Lundi 3 mars 1997

The committee met at 0905 in room 151.

CITY OF TORONTO ACT, 1996

LOI DE 1996 SUR LA CITÉ DE TORONTO

Consideration of Bill 103, An Act to replace the seven existing municipal governments of Metropolitan Toronto by incorporating a new municipality to be known as the City of Toronto / Projet de loi 103, Loi visant à remplacer les sept administrations municipales existantes de la communauté urbaine de Toronto en constituant une nouvelle municipalité appelée la cité de Toronto.

RUSSELL HIGGINS

The Chair (Mr Bart Maves): Good morning, ladies and gentlemen. Welcome to the standing committee on general government.

Our first witness this morning is Mr Russell Higgins. Good morning, Mr Higgins. Welcome to the committee. You have 10 minutes this morning to make your presentation. If there is some time left at the end of your presentation, I'll ask the Liberal caucus to perhaps ask some questions.

Mr Russell Higgins: Good morning and thank you, Mr Chairman. My name is Russell Higgins. I'm a resident of the borough of East York. I'm here today to support the amalgamation of the seven Metro area governments into one. What I'm going to talk about this morning are specific examples that we've encountered over the last 30 years in the province.

I am president of Mandarin Creek Developments Ltd, which is a land development company based in North York. We are primarily developers in smaller communities throughout the province. We have an associated family engineering firm, Higgins Engineering Ltd, and over the two companies there's been about 30 years of experience within our family developing within the province. Over that time we've come across numerous examples of problems with service delivery due to political boundaries, and that's going to be the focus of what I want to chat about this morning.

Specifically, I want to take two examples we've come across in the last five years where political boundaries have negatively impacted the delivery of services between municipalities. Although these are smaller municipalities and at first the connection to the Metro amalgamation may not be obvious, at the end I'd like to tie it together and show how the principles that cause problems in delivery of services in smaller municipalities can also be applied to the Metro case.

The first example I'd like to take is in the township of Erin, about 25 minutes north of Brampton, and in this case the service in question is water delivery, potable water for the homeowners who turn on their drinking taps. In this case the problem was that the subdivision we were developing, about a 40-lot subdivision located in the township, abutted the village of Erin, which was and is a separate municipality.

The water system in the village had recently been upgraded, thanks in large part to the Ministry of Environment and Energy, which had paid almost 80% of the cost of a new water tower within the village. That water tower was a couple of years old when we approached the village and asked to hook up to it because it made a lot of sense from an engineering standpoint to have our subdivision connected to the water system next door. The actual hookup was less than 1,000 feet from our subdivision.

We were turned down by the village council. We approached them and offered them the sum of \$220,000 to connect to the system. The reason that number was chosen was that the village had identified well points at other locations within the village which they had drilled and tested but didn't have the financial wherewithal to develop. The \$220,000 was the amount of money it would cost to develop one of these wells for connection to the village system and upgrade of the village system. It would have resulted in about 250 housing units being able to be developed or supplemented within the village, of which we would need 40, for a net benefit of about 200 units to the village.

The reason we were turned down was strictly political, and I was told that by the then and current reeve of the village, Terry Mundell, who also happens to be the president of the Association of Municipalities of Ontario right now. What Mr Mundell told me was that the village council — it was the decision of council, not Mr Mundell — did not want to create a precedent of selling water to a neighbouring municipality. But for the political boundary, we would have been amalgamated to the village system.

Today we have a situation in Erin where there are three separate water systems within 1,000 feet of each other. There is our own system, which we ended up building on our own because we weren't allowed to connect to the village system. We built it at a cost of about \$300,000. There's a 40-year-old system across the road which is inadequate in that it doesn't provide fire flows to the residents in that subdivision. It's called the Mountainview subdivision. That system has safety issues concerned with it because they don't have fire protection. And then there's the village system. You end up with

three systems 1,000 feet from each other due to a political boundary.

The second example I'd like to cite is in the town of Lindsay, Ontario. We're in a strikingly similar situation in Lindsay which we've been dealing with for the past three years. In the Lindsay case there is an existing 40-year-old subdivision, again 40 years by coincidence, that we're not involved with but we do own lands close to that subdivision in the township. Again, we are seeking services to be extended from the town of Lindsay into the township of Ops. As in the Erin township/Erin village situation, the township of Ops completely surrounds the town of Lindsay.

Lindsay is the service provider and it has the services which we need and which this existing subdivision needs. The existing subdivision has its own septic/sewage lagoon system and its own septic/water system. Both are inadequate. The water system again does not provide fire flows and the sewage system is failing. They've had backups where people have actually had sewage back up into their basements.

Again, the political boundary is what prevents this from being amalgamated with the town system. The town has had a policy of not extending services beyond its municipal boundary.

The other thing going on in Lindsay is that growth has been stifled over the last 10 years because of the inability to construct what's known as the northwest trunk sanitary sewer, which is a sewer which is going to run through Ops township and back into Lindsay due to the topography of the land. Over the last three municipal councils in Lindsay, they have been unable to reach an agreement to build this sewer, mainly because most of the land owners who would hook up to the sewer on the downstream portion are within the township and therefore aren't entitled to the services.

Now, these are small towns and some of you may ask what that's got to do with Toronto. The principle involved here is that the delivery of municipal services is being impeded by a political boundary, and that political boundary is an artificial boundary which divides, in both cases, watersheds.

We have a similar situation in Toronto where for all intents and purposes most of the municipal services which we as residents receive are Metro-wide. I've read recently that something like 72% of the tax dollars that Metro area residents spend on municipal services go to the Metro level of services, such as police and some Metro roads and all the other services that are bundled under the Metro umbrella. The remaining services which are not amalgamated, fire and some planning services within the individual municipalities in Metro, should, according to our experience, also be amalgamated.

If you're going to take the step to amalgamate all of these services and have one bureaucracy looking after these services, there is really no need to have seven different political machines looking after essentially one set of services that should be delivered from one body. That's the parallel I'd just like to draw together for you here today.

Mr Mario Sergio (Yorkview): Thank you very much for coming down to make a presentation. I really enjoyed

it because it's a bit refreshing from all other presentations which we have had. I get from your presentation that small municipalities are or will be affected by the megacity legislation as well.

Mr Higgins: No, I don't think they will. The bill, as I understand it, strictly deals with the amalgamation of the six municipalities within Metro. We would certainly like to see it extended to smaller municipalities throughout the county system.

Mr Sergio: I say that because over the weekend we have had a number of people — I was at a couple of meetings — telling us that yes, small municipalities will be affected as well by the ramifications of the megacity legislation.

But let me point out another one to you: King township, the town of Nobleton, for example. They've been lacking storm sewers for many years and development has been halted because of that particular reason. Do you think that in amalgamating with other local municipalities King is going to get that service?

Mr Higgins: I can't comment on the specific example because I don't know anything about it but as a general rule — just very quickly, we're involved in another situation in St Thomas, Ontario, where although we're in separate municipalities, the level of cooperation has been quite high between the municipalities. None the less, it's taken us three and half years to get the necessary approvals for a piece of land that was already designated for development, about double what it should have taken.

The Chair: Sorry, we've come to the end of your time. Thank you, Mr Higgins, for coming forward and making your presentation to us this morning.

METROPOLITAN TORONTO PUBLIC UTILITY COMMISSIONS

The Chair: Would Mark Anshan please come forward. Good morning, Mr Anshan. I understand you have some others who will appear with you. You have 15 minutes this morning to make a presentation. I'd appreciate it if you'd introduce yourselves before you begin speaking, for the benefit of Hansard.

Mr Mark Anshan: My name is Mark S. Anshan, and I'm chair of the City of York Hydro-Electric Commission. Next to me is Carl Anderson, chair of North York Hydro. I'm appearing on behalf of the six Metropolitan Toronto electricity utilities and as chair of the recently formed Metropolitan Toronto Inter-Utility Commissioners Committee. In addition to Mr Anderson, there are a number of other commissioners from the six utilities, together with their chairs or their designates from the six utilities, including Vice-Chair Kathy Chant from Toronto Hydro, Chair Bob Currie of East York Hydro, Chair Doug Beatty of Scarborough Public Utilities Commission, and Chair John Alati of Etobicoke Hydro.

The six Metropolitan Toronto electricity commissioners are appearing before this standing committee on a without-prejudice basis in regard to our individual views relating to the merits of amalgamation of the utilities as set out in Bill 103. Our appearance is not to be construed as either support for or opposition to the proposed amalgamation. Acting in concert, we have chosen not to

express an opinion on that matter. Rather, in recognition of the policy established in Bill 103 and in the interests of our customers and employees, we wish to ensure that the proposed amalgamation, if implemented, be done effectively and efficiently.

One of the results of the proposed amalgamation of Toronto, East York, York, Etobicoke, Scarborough and North York into one city would be the formation of a single electricity distribution utility called the Toronto Hydro-Electric Commission. The newly formed utility would comprise the six public utility commissions that currently exist in the municipalities and will serve 655,000 customers. It would be the fourth largest electricity utility in Canada, after Ontario Hydro, Hydro-Québec and BC Hydro. It would be larger than most of Canada's provincial electricity utilities and serve the largest energy market in the country. Revenues of almost \$2 billion per year will be generated through the sale of electricity.

Immediately following the first reading of Bill 103 on December 17, 1996, the commissioners and senior staff at the six utilities put procedures in place to facilitate a smooth and efficient amalgamation in the event that Bill 103 is passed. The commissioners believe that it is their responsibility to do the utmost to ensure that the best interests of our customers are protected and that the interests of our dedicated employees are considered fully during the transition. To these ends, we have formed joint committees at the commission and senior staff levels. We have drafted proposed amendments to Bill 103 that will improve the bill and help to achieve the successful organization of the new utility. The six commissions are unanimous in their support for these amendments.

In addition, we have created a number of interutility subcommittees that are considering how best to achieve the consolidation of all operational and capital infrastructure matters, including human resources activities, technical needs relating to the control of the six distribution systems, communications, public affairs, information systems and other related administrative and operating functions.

We wish to advise the standing committee that the public utility commissions are addressing the many practical issues involved in a merger of this size and that we will continue our efforts to achieve the results that the government is seeking through Bill 103. We are presently discussing with the government the possibility of having a process whereby the utilities will be directly involved in the coordination of the amalgamation. The final details are still to be worked out by the commissions.

It is important to note that in addition to amalgamation, the Metropolitan Toronto public utility commissions are preparing for the restructuring of Ontario's electricity industry as recommended by the Macdonald committee on the introduction of competition into Ontario's electricity industry. We anticipate that commercialization of the industry will take place in the near future and that some degree of competition will be introduced at the electricity generation and distribution levels.

We anticipate this change, but we require an amendment to Bill 103 that will provide the new Toronto Hydro-Electric Commission with the "powers of a natural person." This amendment will provide the utility with the

ability to engage in commercial activities such as energy management, cogeneration and environmental management while exercising privileges and powers granted under the Public Utilities Act and Power Corporation Act. 0920

At present, a hydro-electric commission in Ontario is restricted in the activities it may undertake to those permitted in its enabling legislation. However, commercial corporations with the powers of a natural person are not so restricted. For example, a corporation such as Consumers' Gas may engage in any commercial activity and may also exercise privileges and powers granted under the Public Utilities Act, Municipal Franchises Act and the Ontario Energy Board Act.

Hydro-electric commissions in Metropolitan Toronto are already being requested by their customers to undertake activities and business ventures that are beyond the powers granted in their enabling legislation. As the government introduces competition into the sale of electric power and energy, new business challenges and opportunities will arise. If the new Toronto Hydro-Electric Commission, the fourth largest electric utility in Canada, is to be able to take advantage of these new opportunities and compete effectively in a businesslike manner, it requires greater flexibility in its operations and financing arrangements.

The recommended amendment adding the powers of a natural person to the new Toronto Hydro-Electric Commission will provide the greater operational and financial flexibility required by the utility.

In seeking the powers of a natural person, we acknowledge that such powers will be subject to existing legislation and changes that the government introduces in respect to the Macdonald committee report. However, it should be emphasized that the Macdonald committee proposed that such powers be granted to utilities in recommending that distribution utilities be given all the powers of a corporate body under the Ontario Business Corporations Act.

Our proposed amendment is set out in the written portion of this statement, which has been distributed to the standing committee, or it will be shortly after my presentation.

The composition of the existing six commissions varies from utility to utility. The mayors of each municipality or his/her designate from council are members in each case. However, some utilities fill the balance of their commissions through the municipal elections process, while others have their members appointed by their respective city councils, and in some cases Ontario Hydro appoints one member to the commission as well.

While there are advantages to each of the above methods, we believe that the elected members of the new city council, who will be representing an average of 50,000 constituents each, will not be able to devote sufficient attention to the responsibilities of the new Toronto Hydro-Electric Commission. The commission will be responsible for a \$2-billion corporation operating in a competitive and turbulent energy marketplace. The scale of the utility's operations will require a large commission, and we are recommending that the number of commissioners be seven or nine members.

All of the existing utilities have a majority of citizen members, as opposed to council members, serving on their commissions. In addition, there is a strong tie to city council either through the mayors or their designates. This system has worked extremely well and therefore we recommend that the mayor or mayor's designate from council continue to sit on the new Toronto Hydro-Electric Commission, but that the remaining six or eight commissioners not be members of council but shall be appointed by the council and shall be residents of the new city, eligible to vote in municipal elections. This will ensure that the commissioners have the resources to enable them to devote an appropriate amount of time and attention to the complex business of the Toronto Hydro-Electric Commission. Again, our proposed amendment is set out in the written portion of this statement.

The electricity segment of Ontario's public utility commissions is regulated by Ontario Hydro through the authority of the Power Corporation Act and Public Utilities Act. Each year, Ontario Hydro formally approves the budgets and retail electricity rates of each utility and has wide-ranging legal authority over the financial activities of the utilities. The 1997 electricity utility budgets and retail rates were approved by Ontario Hydro in December 1996 and took effect on January 1, 1997.

Ontario Hydro exercises its authority. For example, Ontario Hydro approves each utility's capital budget and any borrowing requirements. Also, Toronto Hydro was required to obtain Ontario Hydro approval recently prior to proceeding with the acquisition of land to build a service centre facility at 500 Commissioners Street in Toronto, as one example. Ontario Hydro approved the financial expenditures for commission facilities built recently by North York Hydro and Scarborough Hydro. The utilities cannot dispose of properties without Ontario Hydro approval, and Ontario Hydro enforces its authority consistently in its relations with the utilities.

The application of utility rates to individual customer circumstances and the rules for the maintenance of accounts are two other areas of Ontario Hydro regulation of municipal electric utilities.

It is clear that the affairs of the public utility commissions are effectively regulated by Ontario Hydro. Therefore, we recommend that sections 9, 10, 11 and 12 of Bill 103 regarding trusteeship not apply to the public utility commissions. Again, our proposed amendment is set out in the written portion of this statement. In addition to the three proposed amendments, we also wish to put on record our views relating to the composition of the transition team, which we are also discussing directly with the Minister of Municipal Affairs and Housing.

The once conservative electricity industry is now recognized as one of the most turbulent business sectors in the world. Industry reform is well under way in Britain and Australia, and every jurisdiction in the United States is facing mounting pressure to open electricity markets to competition. It is commonly acknowledged that Canada, and particularly Ontario, cannot sustain the present closed-market regulatory regime.

The public utility commissions in Metropolitan Toronto are already facing competition on several fronts. Large commercial and industrial customers now have alterna-

tives to electricity to meet their cooling requirements, and many are interested in cogeneration facilities that will reduce their energy costs. Downtown, district steam heating and cooling are competitive and available to developers. Customers are seeking choice and lower costs. We believe that industry restructuring will meet both these needs.

The new Toronto Hydro-Electric Commission will serve the largest electricity retail market in Canada, a market that will attract many energy services suppliers and one that will offer real choice to consumers. Unlike the other municipal public works that will be amalgamated, the electricity utilities are facing complex technical and business challenges that require careful consideration during the transition phase envisioned in Bill 103. The transition team will have to be mindful that amalgamation of the commissions is taking place in the context of the profound restructuring of the multibillion-dollar provincial electricity marketplace. Therefore, we are recommending that the government appoint a person with knowledge of and experience in the electricity industry to the Bill 103 transition team.

We are discussing with the government the possibilities of having a process whereby the utilities will be directly involved in the coordination of the amalgamation. Again, as I mentioned earlier, the final details are still being discussed by our commissions.

Thank you, Mr Chairman and committee, for your consideration this morning.

Ms Marilyn Churley (Riverdale): Thank you for your presentation. I think it's important that the committee hears of some of the complexities of restructuring which would have to happen if the bill is passed.

I would assume, given what you've said and the common ground around the need for further competition, that changes to the system are going to come. There are differences in opinion as to how that should work, but I believe everybody pretty well agrees that competition is coming. I would assume, because you stated at the outset, that you are not for or against amalgamation per se, but you believe that some of these changes are necessary whether or not there is amalgamation? You would be asking for specific changes even if the government were not proposing amalgamation?

Mr Anshan: In fact, we already have through the submissions to the Macdonald committee. Our industry in Ontario has been very clear about the changes we would like to see within the restructuring of the electricity system in Ontario, absolutely. That's a matter of public record.

Ms Churley: Is it your position that the amalgamation of the six cities would enhance or hinder or make any difference whatsoever in terms of restructuring?

Mr Anshan: Of the utilities?

Ms Churley: Yes.

Mr Anshan: I don't think it's clear in terms of the evidence that's on the public record as to whether or not we can answer that question with any degree of expertise. In terms of the utilities themselves, we believe that needs to be handled as a separate matter, separate and apart from any amalgamation of the municipal governments,

because of the nature of the industry and the details that I have been trying to express this morning.

Ms Churley: I wanted to clarify one point that you made. You said that if amalgamation proceeds, because you're already regulated by Ontario Hydro, you would like to see an amendment in the bill that exempts you from being under the trustees.

0930

Mr Anshan: That's right. Right now, as we view it, there's a real conflict between the trusteeship powers in Bill 103 and the existing regulatory powers under the Power Corporation Act that Ontario Hydro exercises over the utilities in Ontario. Notwithstanding that there's a conflict-of-interest provision in Bill 103 to say that wherever there's a conflict, 103 prevails, it's our view and the view of some of our legal advisers that there still will be potential conflicts between the existing regulatory regime and 103.

In the time frame in which this is going to happen, during transition in 1997, we would like to avoid those conflicts and continue our business. The regulation of Ontario Hydro has already proceeded. As I've indicated, they've already approved our budgets and rates for 1997, so we're already into it and there's not much more that we're going to be making in terms of major decisions in 1997 that have not already been made in the approval of our budgets.

The Chair: Thank you very much, gentlemen, for coming forward and making your presentation to the committee this morning.

TORONTO REAL ESTATE BOARD

The Chair: Would John Vail please come forward. Good morning, gentlemen. Welcome to the committee. You have 15 minutes this morning to make your presentation. I'd appreciate it if you would identify yourselves at the beginning for the purposes of Hansard.

Mr John Vail: Thank you very much, Mr Chairman and members of the committee, ladies and gentlemen. My name is John Vail. I am a member of the board of directors of the Toronto Real Estate Board, commonly known as TREB, and municipal chair of its government relations committee. With me today are Fareed Khan, the board's policy adviser for government and legislative affairs, and Von Palmer, the board's policy analyst in the same area.

I would like to thank the committee for allowing us the opportunity to appear before you today to express TREB's views on Bill 103. Since our time is limited, my remarks will be relatively short.

The Toronto Real Estate Board is one of the largest real estate boards in the world, representing more than 19,000 realtors in the greater Toronto area. During the 75 years since its founding, TREB has been a key source of in-depth information on all aspects of the real estate industry in the GTA. In addition, our members have played a key role over the years not only in selling real estate in this region, but also selling the image of Toronto as an ideal place to live, work, play and do business.

In light of the enormous impact that local and regional government activities and decisions have on the real

estate industry and our clientele, we felt it was necessary for the real estate industry's voice to be heard on this very important piece of legislation.

I would like to start out by saying that in principle, the Toronto Real Estate Board supports the concept of amalgamating municipal governments where the result of the exercise leads to the elimination of local political parochialism and to greater service and administrative efficiencies, provides clearer lines of political accountability and responsibility, eliminates overlap and duplication, and organizes the region into a more cohesive unit for the promotion of economic development.

We believe the objectives stated in Bill 103 mirror many of the proposals recommended by the Toronto Real Estate Board and other private sector groups to the GTA task force under Anne Golden and to the Who Does What panel. Consequently, we would like to state our support for Bill 103 in principle.

As TREB sees it, once this legislation is implemented, it will put in place the final part of the governance reform plan which was initiated by the provincial government when Metro Toronto was created in 1953. It is the next logical step and needs to take place if Metro Toronto and the GTA are to remain economically healthy and socially and culturally viable.

While TREB is encouraged by efforts of the provincial government to address municipal governance reform in Metro Toronto, we cannot say the same for efforts in the rest of the GTA. We strongly believe that in order to address the problems surrounding service delivery across GTA regional boundaries and cost-effective municipal administration, governance reforms need to take place in Metro and the other GTA municipalities concurrently. In order to achieve this, we believe a new municipal governance structure for Metro and the GTA should be based on the two-tier Metro model, which has received many accolades over the years. While we remain committed to this viewpoint, we will endorse Metro amalgamation at this time because it is the first step in the process leading to municipal reform across the GTA.

The next step, as we see it, should be the amalgamation of smaller municipalities into larger cities in the other four GTA regions, eventually leading to the elimination of the regional levels of government and the creation of a GTA governance structure which covers the urbanized areas.

Notwithstanding TREB's support for Bill 103, we have very strong concerns about the environment within which this legislation will be implemented. By this, I am referring to the provincial proposal to remove education from the property tax base and in exchange download on to municipalities the increased costs of funding numerous services, including community social programs, welfare, public housing and other social-assistance-related functions. We realize this proposal is not part of 103. However, the fact that this exchange of funding responsibilities will take place at the same time as amalgamation, implementation of AVA and education reform leaves us anxious in the extreme as to the impact this will have on property taxes within the new Toronto municipal structure.

For the record, we want it noted that we have previously called for the reform of the property tax system and the education system in conjunction with GTA governance reform. Consequently, we have no objection to these three reform processes taking place simultaneously. However, we have never supported the downloading of increased social assistance costs on to municipalities, and we feel the provincial decision to do so will derail the financial and administrative gains of the other reforms.

As we all know, the cost of education funding is somewhat predictable, since it is based on the educational needs of the number of students in the education system and the staff required to fulfil those needs. However, the same cannot be said for funding social assistance, welfare, and public housing. As experience has shown, the cost of funding these programs can fluctuate dramatically with the economic cycle. During good economic times, these costs tend to be lower, as is the case now. However, when there is economic slowdown or recession, the cost of assisting those in need increases dramatically. The cost of funding these programs, which are clearly programs which could fall into the category of income redistribution, should not be borne by municipalities but by the province, even if it means maintaining education on the property tax base.

If the provincial government does go through with its plan to exchange funding responsibilities with municipalities, we feel an amalgamated Toronto government could be forced to cut services or raise taxes, or both.

The logic of the provincial proposal is questionable, considering Ontario's historical experience with municipal responsibility for social assistance. During the 1920s and 1930s, when funding and delivery of welfare was the sole responsibility of municipalities, cities and towns in Ontario were on the verge of bankruptcy due to the cost of providing these services. This necessitated the province taking over social services funding and providing a financial bailout of many municipal governments.

In addition to our concerns about the proposed social funding transfer and its impact on property taxes, we have some questions about the proposed municipal social assistance reserve fund. Although the province has announced that the fund will be permanent, there is no guarantee that future government priorities will not cause the province to reverse this commitment. Furthermore, what will happen if the fund is insufficient to meet the burgeoning demand for social assistance during the next economic downturn? Will the province then add to the fund to meet those needs, or is the provincial commitment limited to the \$1.8-billion figure?

All these questions need to be answered before amalgamation takes place, because they are intertwined. The reform of municipal governance in Metro Toronto cannot be implemented without determining the financial impact of the exchange of these funding responsibilities. Unless these answers are forthcoming before Bill 103 is adopted by the Legislature, we strongly recommend that the social assistance transfer to municipalities be cancelled.

In conclusion, we would like to summarize some of our key points:

The Toronto Real Estate Board supports the concept of amalgamating municipal governments in principle, where

it leads to greater administrative efficiency and better political accountability.

We support Bill 103 in principle, since it's consistent with our past recommendations to government.

Bill 103 is the next logical step in governance reform of the GTA and should be followed by efforts to establish a two-tiered municipal structure similar to the Metro model covering the urbanized envelope of the GTA.

The Toronto Real Estate Board is opposed to the downloading of costs for social assistance, welfare and public housing on to municipalities in exchange for the province taking over responsibility for funding education. Given a choice, we recommend that education remain on the property tax base and that the province retain responsibility for funding welfare and public housing.

0940

In conclusion, we would like to commend the province for having the courage to undertake the process of municipal government reform. It is something at which previous governments were unsuccessful and it is long overdue. In addition, we would like to caution Municipal Affairs and Housing Minister Al Leach and the Premier to take the time to do it right, because once Bill 103 becomes law, it will be more difficult to fix any mistakes which might have been made along the way.

Thank you very much for the opportunity to express our views to the committee.

Mr Steve Gilchrist (Scarborough East): I appreciate your presentation here before us this morning and also for making the very clear distinction in your presentation between the issues that we are truly faced with here in consideration of Bill 103 and a number of other discussion points that are certainly out there and that many of our critics, in order to get the kind of numbers I'm sure they're aspiring to in the so-called referendum today, are lumping into this debate.

There's no doubt that we agree with many of the premises in your presentation; for example, the need to coordinate across the GTA. As you're probably aware, we have a very respected former civil servant, Mr Milton Farrow, presently consulting with the councils of all the GTA municipalities to develop a consensus as to how best to do that coordination and which services should be thrown into the mix. That bill will be coming forward this spring and it will take effect coincidental with this. So that piece of the puzzle and any concerns you may have in that regard will be allayed.

Let me just ask you very quickly, though: In your presentation, you talk about one of the important things and one of the reasons why you're supporting amalgamation in principle being the elimination of local political parochialism. Have you ever quantified as a board exactly what it costs in the production of housing to have the 180,000 bylaws and all the duplicate responsibilities that are attendant here in Metro? Would you care to hazard a guess at what sort of impact that has had on the cost of housing or, looked at from another perspective, the delays in bringing housing to market?

Mr Vail: Exactly. You've certainly quantified 180,000 bylaws. We were floored when we heard that figure. Maybe Mr Khan has done some research on that.

Mr Fareed Khan: We haven't quantified the cost, but just from anecdotal evidence from members who have had to deal with various municipalities, it ends up being quite a cost to business.

For example, there are different zoning bylaws in each municipality, with no consistency. The zoning designations are different within different municipalities, and that ends up costing time and effort for our members if they happen to have businesses across Metro; they have to go to the various municipalities to ensure that whatever regulations are particular to that municipality are met. We have, for example, in each municipality six different sign bylaws or rules and regulations with respect to signs, and since our members use, for example, Open House signs as part of their marketing, they have to be aware of the bylaws with respect to that.

I can't tell you with respect to the cost, but anecdotally, frustration has been expressed by our members over the years about the complexity in terms of dealing with various municipalities, not just across Metro but across the GTA.

Mr John Hastings (Etobicoke-Rexdale): Gentlemen, I get an impression that your support for assessment reform is somewhat muted in terms of your referencing on page 3 anxiety about high taxes. What exactly is your position on assessment reform in terms of the proposal in the bill regarding actual value assessment?

Mr Vail: I think Mr Palmer can answer that.

Mr Von Palmer: The reason we haven't addressed that was, as you know, that it's a separate piece of legislation and because of time limitations, but we support AVA as a concept. The legislation on property tax reform reflects a lot of things that TREB has been calling for. That's the reason why you haven't seen much reference to that.

A number of concerns we had, including the phase-in for those facing higher property taxes, especially senior citizens, some of those things have been addressed by the legislation, so we don't have any fundamental problems with AVA in the legislation that has been —

Mr Hastings: With your reproposal to bring the education cost of property tax back on to the property tax, doesn't that in a sense probably cancel out or neutralize any significant tax relief that people in the suburban cities would be getting?

Mr Palmer: When you talk about property tax reform, and I see where you're getting education reform, when you talk about AVA we feel, and I should have mentioned this, that the greater concern is the industrial/commercial taxes and education portion of that. The education portion of property taxes and how that ties in with social downloading refers to the residential portion. We feel that you have to address the industrial/commercial taxes because, remember, when we talked about property tax reform, the initial concern was the business life in Metro, and things such as pooling across the GTA have come up and that hasn't been addressed yet. In fact, that's something we will be calling for.

The reason why we've said, "Take education back," is because it's the lesser of two evils. Better the devil we know. That's the reason why, in light of the downloading and the fact that local levels are being asked to face in-

creased costs for things like social housing and welfare, we're saying if that's the option, they might as well retain education at the local level until a better option is found. We're not saying that's a final answer, but let's take the time and see if there are any better options out there.

The Chair: Thank you, gentlemen, for coming forward and making your presentation today.

SHEILA BROWNE

The Chair: Would Sheila Browne please come forward. Good morning, Mrs Browne. Welcome to the committee.

Mrs Sheila Browne: Thank you, Mr Chairman. It's the second-last day of these hearings. I've heard lots of other speakers. I've heard them here personally from the back and I've heard them on television. There have been so many well-qualified speakers giving articulate, informed, even passionate presentations against this Bill 103, which will abolish Toronto and the other five municipalities and then meld them into a megacity.

Incidentally, before I go further, I will say that when I came in the door I was asked if I hadn't already spoken. Apparently the very first or second day of these hearings there was a Sheila Brown who spoke. If you look at my surname, it has an "e" on it, so I'm Sheila Browne with an "e."

The other comment I would make is that I don't have a computer and I haven't received any instructions from any Web site. There was a newspaper article about that in the paper.

I'm going to give a personal account, more or less. I'm Sheila Eleanor Browne. I was born Sheila McCullough in Toronto. My father was born in Toronto and he was born of Irish parents. My mother came to Canada as a baby with her family from Scotland. My parents met in the Beaches area of Toronto, got married and moved to Moore Park at Heath Street and St Clair. I graduated from North Toronto Collegiate, University College and Toronto Teachers' College, the latter in 1955.

I got married, and when my husband graduated from the College of Education in 1958, we moved out of Toronto. We moved to Kincardine, a small town, and then we moved to Welland, a middle-sized city. We both taught school.

In 1966 we decided we wished to return to Toronto, so we moved into the centre of town. We bought a house, our present house, in 1967 in the Annex area of Toronto. My husband continued teaching school and I stayed home with two small children. Subsequently I went back to school to George Brown College at the Western Hospital and trained to be a nurse. I graduated in 1977 and worked as a nurse at the Western until I retired in 1993. So I've had experience in both the educational field and in the health care field, two fields which this government is trying to downsize. A great deal of unemployment is one of the results of the downsizing.

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We joined the local residents' association in our area, the Annex Residents' Association. This group has a very good rapport with its local city councillors and we have

an excellent local area plan. Initially we became involved in the fight against the Spadina Expressway, and our attempts and the attempts of the ratepayers' groups adjacent to the Annex to stop the Spadina Expressway failed. We were outvoted because the folks in the suburbs wished to be able to drive downtown and they didn't care if these neighbourhoods were ruined.

The Progressive Conservative government of William Davis, by cabinet decision, stopped the Spadina Expressway. I will concede they were a truly Progressive Conservative group of people who realized the dreadful effect such an expressway would have on the centre of the city.

We all live in neighbourhoods, several of these neighbourhoods make up a ward, and each ward has one city councillor. The goal of the city council is to have city neighbourhoods which are safe and stable and which provide adequate services and amenities. Different neighbourhoods have different goals and different goals have different costs. What might be important or worthwhile to one might not be so to another.

If the new mega-council is created, there will be only 44 councillors for the whole 2.5 million people. Toronto will have 11 of these 44 councillors. I believe that's a minority. Where will that leave the local concerns of Toronto citizens? Where will it leave the local concerns of the citizens of the other municipalities? I'm speaking specifically about Toronto because that's what I know about. What about Toronto's grants to the arts? What about our special health service costs? What about our special community centre services?

The downtown and midtown Toronto wards will not have their one city councillor and their half Metro councillor. Instead, they will have a councillor with a larger area to cover with more people. The neighbourhood councils which are mentioned in the act have no specific powers and no budget, so I don't feel that they're relevant at all. I hate to think what would happen if advocates of automobile expressways became a majority in this mega-council. We need our local councils to have our local democracies.

Right now this system of each municipality running its own show, so to speak, seems to be working quite well. It might need a tune-up, but it doesn't have to be smashed in order for repairs to be made. There are such methods as discussion and cooperation and cooperative action which could be used. As Anne Golden has said, "If amalgamation solves a problem, that problem has yet to be identified."

This is a quote from Mr Harris: "There's no cost for a municipality to maintain its name and identity. Why destroy our roots and pride? I disagree with restructuring because it believes that bigger is better. Services always cost more in larger municipalities."

I'm going to move, next, from my concern about local democracy in the city to my equally serious concern with democracy in the province.

In Ontario all political parties have worked for the development of responsible democratic government which brings order and fairness to our lives. Despite the gap between rich and poor in this democracy, we have always had public systems making a safety net of social services which serve and protect everyone. We have public health

care, public education, public utilities, public community services and various kinds of social assistance benefits and pensions. I have the definite impression from the mega-week bills that the present government is trying to weaken the foundations of these public services. These bills have been put forth without due process of consultation or discussion of various alternatives.

Does the government not realize it has no mandate to weaken or even privatize our public services and institutions? The government did not get a majority of the votes cast in the last election and it got an even smaller percentage of the possible vote. How did it happen that the government suddenly put forth Bill 103 and other bills as well in such a rush?

Can we really take Mr Leach seriously at all if he answers this question as he is quoted to have done, "I had to do something"? Is it possible that Mr Leach thinks that a megacity is more efficient and will save more money when we all know this is not true and that studies show definitely that bigger cities cost more?

On the first day of these hearings, February 4, Mr Leach was quoted by the Star as saying that he vowed to push ahead with the megacity, and he also said, "We have a one-time opportunity...to take advantage of the best ideas in government innovation and planning." I think that's a really strange statement: "one-time opportunity." Where did he get the idea that he had the best ideas? What were his sources of these best ideas? I would have hoped that now, a month later, having considered all the informed input from so many individuals and groups about why this bill is too hasty and does not follow democratic processes, Mr Leach might concede that the bill should be reconsidered. But in the February 27 Star he is quoted as saying, "...on the basic premise of the bill, recommending a single city, nothing has come forward at this time...to change my mind."

This is really not acceptable in a democracy. Mr Leach cannot be a dictator. He was elected to serve his constituents and the province, and if he isn't prepared to listen to people's concerns seriously, he really should resign.

The Chair: Mrs Browne, sorry to interrupt, but you're coming to the end of your allotted time and I'd appreciate if you could wrap up.

Mrs Browne: I will. Mr Leach should remember what Mr Harris said, and I quote from the Globe: "Leadership and reflecting the will of the people go hand in hand." I say to Mr Leach and to Mr Harris and to the government members of this committee that your electoral majority doesn't give you a blank cheque. You were elected as government of all the people. You should withdraw Bill 103, since there was no mandate for it and it will definitely adversely affect this wonderful city of Toronto. Thank you.

The Chair: Thank you very much for coming forward today, Mrs Browne, and making your presentation to the committee.

ANNIE KIDDER

The Chair: Would Annie Kidder please come forward. Good morning and welcome to the committee.

Ms Annie Kidder: I haven't prepared a long statement. My name is Annie Kidder, as you've said. I am a

resident of Toronto. I'm a parent. I'm a member of a group called People for Education that's been fighting the cuts to education that this government has made for the last year.

I too, like the woman before me, live in a neighbourhood. It's called Seaton Village. It's about 36 square blocks. It has two community schools: one separate school and one public school. I just want to give you a little, tiny example of what a neighbourhood does as opposed to what an enormous kind of government body can do.

About two years ago a superstore was going to be built on the edge of our neighbourhood. Loblaws was building an enormous store. It caused a lot of concern about what that was going to do to the traffic in our neighbourhood, and after a fair amount of fighting we as a neighbourhood, along with the city, worked out a traffic plan. We radically changed the traffic in our neighbourhood. It took about six months.

It's taken two and a half years to change one traffic light on the edge of Seaton Village because it's controlled by Metro, because Metro is a government that's very far away from us that is concerned, as the woman said before me, about moving traffic a lot more than they are about neighbourhoods. We had no sense, any of us in our neighbourhood, of being able to get to the Metro government. On the other hand, with our own city government we had a total sense that we could go in and out of there, we could go talk to them, we could talk to various people in the government about how traffic worked and how we can change it.

It's very worrying to me, then, what this plan will do to our neighbourhoods. I worry about what the government's total plan is in terms of its seeming willingness to make very large entities where there were small ones before. It seems to be willing to take away every level of local representation at this point. They're willing to destroy my school board so that my children's school will no longer have any kind of local protection or local representation. I really fear for the community schools and what that does to neighbourhoods and that we're going to lose the vitality because we're losing our school boards, because it's not a Fewer School Boards Act: it's a no school boards act. We're losing that.

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I've learned from somebody that they're planning on closing the hospital where my children were born, where probably a quarter of the children at my children's school were born. That's another, "We're going to make a bigger hospital," which people seem to think will be more efficient but really just removes everything again from a local level.

This government seems to be now planning to take away my city and my city government. I don't think there's anything that's been shown that proves it costs less, that it's more efficient. I think that all these things, destroying my hospital, my child's school and my neighbourhood, are just ways of taking more money out of the system so they can pay for a tax cut.

I'm so angry at this point, which is why I couldn't even prepare a speech, because it really all seems to come down to money. It doesn't have anything to do with

quality of life. It doesn't have anything to do with any sort of common good for people. It doesn't have anything to do with my children. It doesn't have anything to do with the future. It just seems to have to do with money.

I am very angry that all these things in our lives in Ontario — I talk to people all over Ontario all the time, and they're suffering very badly in the rest of Ontario too — all these things are being destroyed so that the government can take a lot of money out of the system and fund a 30% tax cut. That's all I have to say.

Mr Mike Colle (Oakwood): Certainly, as you know, this government is on the record as saying that they're going to ignore the referendum results. They basically said they're going to charge ahead. As a previous speaker, Ms Browne, said, the minister said nothing has come forward to change his mind. So people are voting today all over Metro, I think the majority will say no, and the government is going to come up with some tinkering and some optical changes to the bill, but in essence they're going to say: "We're right, you're wrong. We don't care what you said. We're going to go ahead anyway." The question I have to you is, as one who's very involved in your community, on many levels, what happens next?

Ms Kidder: I don't know. They seem to be willing to go ahead with practically everything no matter what anybody says. I have been trying to talk to the Minister of Education for a year, to no avail, as have many parents. I don't know what will happen next. I think that people will gradually lose faith in any level of government. I think that the government is mistaken, where it hates big government but it's going to create more bureaucracy, more unaccountable levels of people working whom we don't actually have any control over or any knowledge of what they're doing.

When they say things like, "No matter what the result of the referendum is, we're going to go ahead and do it," it just proves to me and shows, which they have shown over and over again, that they actually don't care about what real, normal, regular people think and that they're willing to push ahead a plan without hearing any specific criticism or listening to people.

Mr Colle: The other thing that's very apparent is that this government doesn't appreciate what local government does. Their attitude is, "Well, most of it is amalgamated; it's easy to just do the rest," although they misstate the facts and say that 72% is amalgamated. It's actually about 50-50, because they exclude the \$1.9 billion that your local hydro utilities spend, and they're not amalgamated, so it's about 50-50.

How can you restate the fact that local government or local school boards give you as a citizen more voice and that the opposite is going to happen with this megacity?

Ms Kidder: Local governments are approachable, and they're especially approachable by ordinary people. This is the thing I fear for most that we witnessed in the other hearings I've been involved in on Bill 104, where no ordinary people even got to speak — ordinary, average citizens feel able to phone their local government and complain or yell or scream or whatever they want to do and feel that they can actually get results from their local level of government.

It's much more frightening and much more difficult, as we all know, to approach a larger level of government. It's harder to get to people who represent a huge area, people who don't actually know you or know your local concerns, have no idea what your neighbourhood is or what it's like. My local level of government in the city understands that my neighbourhood is made up of a very mixed group of people, what the essence of that is, and I really worry that it makes government only available to people who already have a lot of power.

Mr Colle: I'll make one last comment: It's interesting that with Bill 103 the government is now, in terms of trying to defend its position, saying it's going to create these community councils. By the way, there is no mention at all of community councils in Bill 103. Do you think setting up these so-called community councils some time in the future is going to replace your locally elected city government?

Ms Kidder: No, absolutely not. They're trying to do the same thing in Bill 104, saying, "It's all right, all these parent councils will take over the schools." I think it's a ridiculous idea as a replacement for government. Government is there to be objective. They're there to take care of the interests of everybody. They're there to look at concerns objectively. Local neighbourhoods, like local parent councils, look at only the interests of their own neighbourhood. You need an objective level of government that can look at the interests of your neighbourhood and then fit it in within the interests of a city.

To think that volunteers somehow are going to start doing all of these jobs that government used to do is absolutely ridiculous. Only a certain kind of person can be a volunteer or have the time to be a volunteer and they're not necessarily representative of their neighbourhood at all. They're not usually people who have English as a second language. They're not usually people who are new immigrants in any way. It's an appalling idea to think that volunteers can take over government this way.

Mr Sergio: Ms Kidder, is it the content of the bill, is it the process with which the government is introducing and presenting this bill or is it both?

Ms Kidder: It's both, basically. It takes away a local level of democracy. All of their bills seem to be doing that and it's very worrying. It's both things. It's the process, which seems to ignore what anybody wants in Metro, and it's actually the content also.

Mr Sergio: You would like to see some changes, but not as proposed by Bill 103?

Ms Kidder: Yes.

The Chair: Thank you, Ms Kidder, for coming forward to make your presentation this morning.

BARRY WEISLEDER

The Chair: Would Barry Weisleder please come forward. Good morning and welcome to the committee.

Mr Barry Weisleder: Thank you very much. Ladies and gentlemen, today is a momentous day in the history of Metropolitan Toronto. Today votes will be tallied across the five cities and one borough that make up Metro, and they will show two things quite clearly: (1) that voters reject the megacity concept and Bill 103 in

particular; and (2) the extent to which the Ontario Conservative government is out of touch with the people of Metro and that to ignore this reality the government would proceed at its peril.

My name is Barry Weisleder, and I am a member of the executive board of the Ontario Public Service Employees Union, which has nearly 100,000 members province-wide. I am also president of OPSEU Local 595, which represents over 1,000 substitute teachers working in the elementary and secondary schools of the Toronto Board of Education, one of the school boards you intend to abolish.

OPSEU stands in total opposition to Bill 103, and also to Bill 104, which in my opinion is even worse, in many respects, than Bill 103. The government declares that the legislation to rob and mutilate school boards province-wide is non-controversial, and in their supreme arrogance Tories allow only for 10 days of public hearings. Such outrageous conduct is more than symptomatic of the problem we face with Bill 103. Increasingly, the government resembles a blinded and bloodied raging bull, snorting in all directions, preferring to fight rather than to switch. Well, if it's a fight you want, you've awoken the people and I think we are ready to take you on.

Everyone knows why the Conservative government wants a megacity. You want to reduce democracy. You want to privatize public services. You want to cut corporate taxes. Your efforts to masquerade this exercise as one of cutting costs and ending duplication have fooled very few people. The test of the pudding is in the eating, and we in OPSEU, one year after the biggest strike in Ontario history, have been subjected to your bitter diet of layoffs, divestment and privatization affecting thousands of jobs, which of course would have been far worse had the OPS strike not secured some job protection in the current collective agreement. But we know all too well what you want to do to our cities.

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You want to marginalize resistance. Corporations want radically reduced government services, less public process, fewer regulations and lower corporate taxes, and Tories desperately want to accommodate their corporate backers. The megacity is a plan to eliminate local opposition to a corporate vision for the city's future; as Premier Harris was overheard saying, "to get rid of those lefties on city councils," to create one large, "simplified" city government that corporations will find it easier to lobby and to influence.

The rush to do this now is in open defiance of your promise in the Common Sense Revolution, the document that says, "to sit down with municipalities to discuss ways of reducing government entanglement and bureaucracy with an eye to eliminating waste and duplication as well as" — get this — "unfair downloading by the province."

The rush is all about taking billions of dollars out of local services to fund a tax cut for the rich, while forcing local authorities to slash jobs and wages, contract out and privatize, and impose a myriad of user fees.

You say that you will pay no attention to the results of the mega-vote today. Then I have to wonder, why did you make those television commercials? Why did you get

your friends to produce and air those radio ads advocating a Yes vote? Why did you appoint a small army of scrutineers and establish pro-amalgamation committees across the cities of Metro? I know why you didn't appoint a major, central pro-megacity spokesperson — and it's not because you didn't try to find one.

Today's vote is historic. The movement against amalgamation, and against the social and economic costs of it, especially for working people, is a gigantic movement. It is reflected in an unparalleled level of grass-roots activism across this region and it will be reflected in the vote count tonight. This will not be a narrow victory for the No side. It will be a big victory. Not just a simple majority; not just 55%; all indications suggest that it will approach or even exceed a two-thirds majority with a large rate of participation.

The people didn't buy your propaganda about how megacity is inevitable or how megacity is likely to create jobs or likely to save taxes. Most people recognize, deep down in our hearts, and in our wallets, that the opposite is true. Megacity is a plan to subordinate local government and the mass of the people to the dictates of big business, to a nasty and brutish economic future, to a bleak social existence and to a ruined urban landscape. We will not stand for it.

In the face of the massive opposition that government will see today, there is only one practical thing for you to do, and that is to withdraw Bill 103 and, I add, withdraw Bill 104. Don't amend them, just get rid of them. Withdraw them. Take them back. Go back to the drawing board. Start talking to the people whom you seek to impose your plans upon.

Beyond the practical, there is only one honourable thing for you to do, and that is to resign, to call an election and to put all your megacity, mega-school board, mega-cutbacks and hospital closure cards on the table. That would be the honourable thing to do, and that may be too much to expect from this government.

But we can be sure that should you choose to ignore today's vote and the vast social movement behind it, you proceed at your peril. To ignore the will of the people is to invite massive, ongoing protest. It is not difficult to imagine the forms protest may take. There may be massive civil disobedience. There may be strikes and shutdowns that will make October 25 and 26 in Toronto seem like a summer picnic, a momentary interlude. There may be a mass refusal to pay property and income taxes. There may be disruption of every activity where government members and their business supporters are present — everywhere.

Soon the people will have spoken. You better be listening and obeying their will. You do not have a mandate to proceed otherwise. Please remember that. Thank you for the opportunity to address the committee.

Ms Churley: Thank you for your presentation. Because we have a brief period for questions here, I want to ask you to elaborate a bit more on the connection between the downloading and Bill 103. The government and some deputants, some people, believe there is no connection and that's what's going to cause the big No vote and they're saying that's unfortunate because it's not connected. I would like you to elaborate on what you see

as the connection between the downloading and Bill 103 and Bill 104.

Mr Weisleder: The connection is economic and the connection is also in terms of time and space. To deal with the latter one first, if there was no connection, it would be simple for the government to either withdraw the downloading and allow a real discussion to take place on restructuring local governance, deal with that and then introduce the other policies, or to withdraw Bill 103 and, as I added, 104 and let us debate the questions of taxation and the division of responsibilities between the province and the cities.

The impact of the downloading is all too obvious and has been discussed extensively in the media, if not in the Legislature by government members, and that is of course it will make it impossible for the cities to cope with escalating costs, particularly with respect to general welfare.

It's been argued for many years that school boards need to have a tax base. The government is taking that away from them. It's going to take control of education; not just revenue intended for education, but determining the whole direction of education, the priorities and the curriculum, the overall thrust. That's an assault on democratic rights. That's part of the downloading picture. You take away some responsibilities and the source of funding for those, and hand down other responsibilities which are going to end up costing a lot more than they presently do, particularly with the next downturn in the economy. The impact is economic and the impact is temporal. The way to disconnect them is for the government to withdraw one, the other, or both preferably.

The Chair: Thank you, Mr Weisleder, for coming forward to make your presentation.

SYDNEY WHITE

The Chair: Would Sydney White please come forward. Good morning and welcome to the committee.

Ms Sydney White: I'm here speaking as a citizen and also as a member of the Committee on Monetary and Economic Reform.

First of all, everybody's saying, "Why the rush?" and, "Why are we doing all this?" Well, the megacity is a Trojan Horse and inside are the appointees. The appointees will be set up and they will be able to do anything: sell off whatever they want, contract out whatever they want.

We're telling Mike no, overwhelmingly no, we don't want this. He is giving the typical response, "I don't care," or "You don't really mean no." Women especially, what happens right after someone says, "You don't really mean no"? The assault, and the assault is happening.

My name is Sydney White. I have been in the diplomatic field most of my life and was in the press department of the United Nations during the Hungarian Revolution. I watched as students tried to stop Russian tanks with homemade gasoline bombs. They became bloodied grease for the wheels. But I was a Canadian and I would never know totalitarian force.

Shortly after Mr Harris came to office I was in Queen's Park when students were beaten unconscious and

blood flowed again. Most of them were women, one pregnant. They did not have so much as a pencil in their hands. All the television media were there but nothing of this was seen on the news. The corporate-owned media know when to censor themselves. Thus began the reign of Mr Harris.

No one wants to hear or mention the "F" word. The historical definition of Fascism from Thomas Jefferson and beyond has always been "an alliance between business and government enforced by domestic and military police." To people who want to feel that this cannot be, I will concede that the flow of blood has been minimal so far. However, there is no need for much physical restraint if you can control and restructure the public mind by spending thousands of dollars on blatant lies to disguise your corporate takeover.

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The Harris government can probably raise taxes and go on making cuts without having a megacity in place. What they cannot do without their megacity is appoint chosen individuals to absolute power. An appointee can sell all of our publicly owned institutions with impunity and behind closed doors. These public institutions are not theirs to sell. We, the citizens, have built them with our money and our labour. How did the North Bay bowling league get this idea of using the megacity as an excuse to set up their own personal salesmen?

The Harris government is merely following a recipe used in the United States. In the late 1980s Americans were pushing for a universal health care system modelled on ours. In panic, the Congress appointed — that magic word again — a commission headed by John D. Rockefeller which effectively killed any chance of Americans having a true health care system. As Rockefeller explained to his organization of 300 corporations, known as the Trilateral Commission, "Employer-based coverage is the last resort we have against a national health care system that neither you nor I want." George Bush, one of the richest members of the Trilateral, went on a three-week fishing trip with Mr Harris right after Harris was elected, and out of these murky waters came the plan for the megacity as a vehicle for the magic and powerful appointees.

Some of you may not know what the Trilateral Commission is because the name is not supposed to tell you anything about their objectives. Founded by Rockefeller and the US foreign affairs adviser Brzezinski in 1973, it consists of 300 global corporations whose primary goal is a borderless world in which multinationals would be free from regulation by governments. It's now the most powerful organization of world planning known to exist. They have a finger in every government pie, including ours.

Some of the Canadian members of this Trilateral Commission are Maurice Strong, who brought the business lobby to the Rio Earth Summit; John Wilson; Paul Desmarais, who's intermarried with the Chrétien family; the C.D. Howe Institute, a member since 1976; David Hennigar; Marc Lalonde, director of Citibank; Adam Zimmerman, director of TD Bank; Simon Reisman, our free trade negotiator; Mickey Cohen of Molson's; Conrad Black; and Allan Gotlieb, our ambassador

to the US from 1981 to 1989. Gotlieb almost single-handedly engineered the passage of NAFTA.

NAFTA was a straightforward corporate strategy pushed by David Rockefeller and Kissinger, among others. All disputes under NAFTA are judged by appointees. These appointees are not judges but arbitrarily selected individuals who are obligated to governments and special interest groups. They bend the constitutions of the United States and Canada to suit corporate rule. Like them, the megacity appointees will be bending and breaking our Constitution for their own corporate bosses.

In 1994 a provincial advisory body called the Metro Toronto District Health Council appointed a nine-member hospital restructuring committee, who all have a conflict of interest. They are CEOs of banks and insurance companies. In fact, Richard E. Lint, a member of this slash-and-burn group, is president and CEO of Citibank, the financial core of the Rockefeller empire.

John Wilson is another member, formerly of Ernst and Young. He and Maurice Strong cut 12,000 jobs from Ontario Hydro. John Wilson has now founded the Canadian Institute for Advanced Research, a think tank funded primarily by Manulife. Two weeks ago they gave a closed seminar on how US drug and insurance companies can gain access to Canada's national health care. Monsanto, Hoffman-LaRoche, Manulife, Magna International and our own deputy minister of institutional health were present. The subject of their seminar was "How the Private Sector Can Build Effectively on our Medicare System." In short, the appointees are getting ready to sell off every public institution that we, the people, have built with our blood, sweat and taxes. I repeat, it is not theirs to sell and what the Harris government is doing is treasonous.

For those of you who would call out "conspiracy theory," I say that I have a lot more difficulty dealing with your "coincidence theory."

Phoney polls showing that Canadians were in favour of cuts were produced by a PR firm based in Ottawa, but this firm is owned by Burson-Marsteller of the Rockefeller group, whose chairman is Allan Gotlieb, the same ex-ambassador to the US and deputy chairman of the Rockefeller 300. The Trilateral Commission has stated that they are against "an excess of democracy."

The privatization of our water is on the agenda of our corporate puppets. In England, after eight years of privatization, one third of the population get their water from public washrooms because they cannot pay the \$2,000 per year and have been disconnected. One third of the water leaks from unrepaired pipes. Dysentery has risen 600%, hepatitis 200%. Save the Children, which usually only goes to Third World countries, came into England to investigate. The owners of the water, however, have more billions than even they had dreamed of.

Snobelen, having been told by the education experts that children who study music are exceptionally good at reasoning, logic and math, immediately decided to remove the music programs and insert computers in their place. Any time that those screens are not in use, advertisements will be swirling and flashing continuously on the screen. Screen guards will not be supplied and the child's eyes and brain will be close to low-level radiation

on a long-term basis. A glorified typing course will replace any dangerous leanings towards analysis. Having had a good public education, I find that it develops a very strong crap detector. Since the Harris agenda, mine has been working overtime.

At present, a joint venture is being formed with Paul Desmarais's Great West Life, the Royal Bank and a US corporation, Unisys, which company has been banned in several states. This new and profitable venture is the tracking of cheap labour. All those who have been downsized into social assistance will be fingerprinted and given their own special card.

Instead of being prepared to deal with the ludicrous natural rate of unemployment, they will be rented out like draft animals on a low-wage contract basis to the same corporations that downsized them in the first place. The cards which will send all financial and other information back to a central computer will actually be a tracking device for the enormous slave labour force called workfare. Metro council had almost decided against this type of identification, when suddenly our last hearing was called off on account of the megacity. Now those magic appointees may have a chance to inflict this.

The appointees will obey their corporate masters and bring in workfare as soon as they can because it is the key ingredient in competing with prison factory labour, child labour and the starvation wages in Asia which our federal government, along with Harris, are so gaily courting.

With 18 of our environmental laws trashed and all of our enviable social programs slashed by these corporate pimps, we have our work cut out for us. Remember, no one can buy unless some of us are selling. We will stop this treasonous practice with whatever it takes.

The last time a population this size was taxed without representation, George the Fool lost the colonies and there was an enormous tea party in Boston harbour, not to mention the war. Given their spotty academic record, Harris and Snobelen may have missed this particular history lesson. We will do our best to fill this gap in their education.

The Chair: Thank you very much, Ms White. You've exhausted your allotted time. We want to thank you for coming forward and making your presentation to the committee this morning.

Would Andrew Scorer please come forward?

Ms Churley: Before he begins, I would like, with your indulgence, to ask for unanimous consent to allow this group — he has some people with him. I realize the rules say no props. I believe this is a professional performing troupe with small musical instruments. I'm wondering if I could ask for unanimous consent — there are no puppets, no big props, we did have the Raging Grannies sing — if they could use their little instruments while they give their presentation.

The Chair: As discussed, I'll put your question. My problem with it is simply that once I allow one instrument, no matter big or small, I can have a whole flood of instruments coming in. It's really not a theatre, it's a place to hear submissions, but I will ask for unanimous consent. They can use instruments?

Interjection: Certainly.

Interjection: It's their 10 minutes.

Mr John L. Parker (York East): Could we just find out what it is we're talking about?

The Chair: Fine. Not hearing a no, go ahead, Mr Scorer.

1030

ANDREW SCORER
MARY SUSAN YANKOVICH
DAVID ANDERSON
BIE ENGELEN
JULIA VON FLOTOW
SCOTT BELL

Mr Andrew Scorer: My name is Andrew Scorer, a resident of Toronto for 24 years, actor, board member of my neighbourhood association, member of the Green Party of Ontario and the Green Party of Canada and twice a candidate in provincial elections. I appreciate the opportunity to participate in democratic government by being able to speak at these hearings. I beg your indulgence as I ask for some help in introducing my speech. I call on the Spirit of Democracy.

Ms Mary Susan Yankovich: We have with us today, ladies and gentlemen, all the way from Sarajevo en route to Hong Kong, the star of our story, who's taken time out of her busy schedule to be with us today — ladies and gentlemen, the Spirit of Democracy herself.

Mr David Anderson: Once there was a city.

Ms Yankovich: A proud city.

Mr Anderson: A green city.

Ms Yankovich: And the people of the city looked after it.

Mr Anderson: And whenever there was a local problem, the people knew just who to call.

Ms Yankovich: And so the Spirit of Democracy danced.

Mr Anderson: It was the best city in the world.

Ms Yankovich: Until, one day —

Ms Bie Engelen, Ms Julia von Flotow, Mr Scott Bell: If you're rich you deserve it. If you're poor you can rot. 'Cause everybody knows you deserve what you've got.

Mr Bell: It's just common sense.

Ms Engelen: If you're rich —

Ms von Flotow, Ms Engelen, Mr Bell: — you deserve it. If you're poor you can rot. 'Cause —

Mr Anderson, Ms Yankovich: Oh, it ain't necessarily so, no no. No, it ain't necessarily so.

Ms Yankovich: Yes, ladies and gentlemen, this is your city.

Ms von Flotow: Not without its problems.

Mr Anderson: But still, a great city.

Ms Engelen, Ms von Flotow, Mr Bell: If you're rich you deserve it. If you're poor you can rot. 'Cause —

Mr Bell: — everybody knows —

Ms Engelen, Ms von Flotow, Mr Bell: — you deserve what you've got.

Mr Bell: Go tell them, Bill.

Ms Engelen: This is a stick-up.

Mr Anderson, Ms Yankovich: It's Megacity Bill.

Ms Engelen: Resistance is futile. You will amalgamate.

Ms Yankovich: But the Spirit of Democracy stirred.

Mr Anderson: And the people of the city rallied.

Mr Anderson, Ms Yankovich: Oh, it ain't necessarily so, no, no, no. Oh, it ain't necessarily so.

Ms Engelen, Ms von Flotow, Mr Bell: Rob and pillage. Let's kill that village.

Mr Anderson, Ms Yankovich: No, no, no. The things that you're liable to read in the Tory bible, they ain't necessarily so.

Mr Scorer: Thank you, Spirit of Democracy.

I looked up the definition of "democracy" in the Oxford dictionary. "Democracy: Government by all the people, direct or representative." "Democracy: Form of society ignoring hereditary class distinctions and tolerating minority views."

Either we live in a democracy or we don't; either the Ontario government believes in democracy or it doesn't. If it does or thinks it does, then it either doesn't know how to encourage democracy or it thinks that its majority government created by less than half of the voters is a legitimate tool for manipulation of an easily abused parliamentary system.

In a democracy obviously, by definition, the government would incorporate what is being said here into its actions. Will this happen? I hope so. Obviously, since we live in a democracy, then by definition the government will immediately throw Bill 103 out because of today's referendum results, or Conservative backbenchers will vote against Bill 103 because of today's referendum results. If neither of these things happen, then I believe that the Lieutenant Governor has the moral authority and duty to not sign Bill 103 into law.

There is a mushrooming movement against this government with hundreds of groups, meetings and actions. It's the kind of human phenomenon that can't be stopped. The Premier and MPPs are servants of the people, paid by the people, and I would suggest that if they want to keep their jobs they should listen to their bosses, the people. The next provincial election isn't so far away.

Why do we tolerate an electoral system that creates a majority government from less than 50% of the vote? A proportional representation system of electing members of provincial Parliament would really be a commonsense initiative. In a proportional representation system, the number of seats that a party gets is in proportion to its share of the popular vote.

Now I'd like to talk very briefly about wealth and money. Here's a quote from a book by Buckminster Fuller: "What is wealth? Wealth is the organized, technological capability to protect, nurture, educate and accommodate the forward days of humans; whereas money is only a medium of exchange and a cash accounting system. Money has become completely monopolized by the supranational corporation colossi which inherently, as legal abstractions, ignore the problem of how to protect and nurture human lives."

The title of that book is Grunch: GR — gross; UN — universal; C — cash; H-heist. Gross Universal Cash Heist. Grunch is a word to remember. It describes what's

happening all over the world. Cash is being heisted by transnational corporations from the people and I suggest that cash is being heisted by the Ontario government from the people and that Bill 103 is part of this heist.

Interjections: If you're rich you deserve it, if you're poor you can rot. No, it ain't necessarily so.

The Chair: Thank you very much. Two minutes for the government caucus.

Applause.

The Chair: Order, please. Two minutes for questions from the government caucus.

Mr Parker: Your last point, that cash is being heisted from the people by the Ontario government, can you elaborate on that, please.

Mr Scorer: I would say through the taxes, the rearrangement of —

Mr Parker: How does reducing taxes heist cash and how does any of that have to do with Bill 103?

Mr Scorer: I said that Bill 103 is part of this heisting of cash from the people, from the poor to the rich. I would say that the centralization of municipal governments is a way of centralizing power and that centralizing power is a way of heisting cash from the majority of the people.

Mr Parker: I'm interested in finding out just why that is so. Can you help me out with that?

Mr Scorer: As to why amalgamation?

Mr Parker: Why amalgamation heists cash, or in what way does amalgamation heist cash?

Mr Scorer: There would be many fewer city councillors for the population and so it will be really difficult for the people to have a voice in how the taxes are rearranged — for example, the property taxes — simply because it would be harder to contact politicians since there will be far fewer of them and they'd be far less accessible.

Mr Parker: And this will result in the heisting of cash?

Mr Scorer: I would say that the centralization of any government is a way of taking the power away from the people and thus inevitably taking money away from the people.

Mr Parker: On the subject of democracy, I'm interested in your thoughts. Would you consider a secret ballot to be central to a free exercise of democracy?

Mr Scorer: Yes.

The Chair: Mr Parker, I'm sorry to interrupt but we've come to the end of your time. Thank you, Mr Scorer, for coming forward and making your presentation today.

SUSAN BREKELMANS

The Chair: Would Susan Brekelmans please come forward. Good morning and welcome to the committee.

Ms Susan Brekelmans: Thank you. That was rather a hard act to follow.

Mr Chair and members of the committee, thank you for this opportunity to speak on the subject of Bill 103, the so-called megacity bill. I'm afraid I'm probably not going to say anything new, anything you haven't heard before, but I can only hope that saying it again will help

you understand that there are a lot of little citizens like me out there who are concerned about the bill.

I want to start by telling you that I was born in Vancouver, and as you may know, out in Lotusland we're bred to dislike Toronto. When I moved here a little over two years ago I expected to hate this city. I thought I'd be very miserable here. I thought it would be large, faceless, colourless, uniform and unfriendly.

I was surprised and delighted to find the opposite. I discovered that there were several cities in Metro, each of which had its own characteristic, much like at home. There are several cities in the Vancouver regional district. There were dozens of neighbourhoods within the city of Toronto, each of which I soon realized had all of their own characteristics. I've now lived in three neighbourhoods and I'm looking forward to living in my next one.

1040

The arts scene here is great. It's supported by residents and by the city. And this being an urban centre and naturally attracting poorer people and immigrants, I was pleasantly surprised by the services offered to those who need them. Most of all, since coming here I've been very impressed by the way in which the residents of Toronto pay attention to their municipal goings-on. I've actually never met people prouder of their city and more staunch in their support of what's best for it.

Please don't tell anyone at home about the good things I've said about Toronto.

So you can imagine my concern when I first read about the planned amalgamation of the cities that make up Metro Toronto. I had thought things worked fairly well here. Why change the system? The more I heard, the more concerned I became. I'll tell you some of my reasons for worrying.

First of all, I'm concerned by the way that this bill has been pushed forward. I can only describe the government's method as high-handed. Amalgamation was not mentioned in the Common Sense Revolution and it's not something we expected as part of the government's agenda. Given that, I feel the government could have acted more responsibly in the way it put forward its ideas for change in Toronto. I have to say that I feel the government is acting with not very much respect for the people in the cities in Metro Toronto or for their elected officials or for the opinions of experts in the field of urban studies.

The high-handedness of Bill 103 is compounded by the fact that no convincing studies have been presented to support the amalgamation that the government proposes. The KPMG study commissioned by the government doesn't seem sufficient to me, as I understand that the firm was only given three weeks to study the amalgamation of Metro's cities. Many people have pointed out that the savings KPMG listed in the report don't really have anything to do with amalgamation.

I'm afraid I'm going to go on a little more about the method of this bill. The government has said that it will not pay attention to the results of referenda held in the cities of Metro Toronto on the subject of amalgamation. Well, wait a second. Didn't this government state last summer that it wanted referenda, that government-initiated, opposition-initiated and citizen-initiated referenda

were a good idea? So why is the government now saying that it will ignore a referendum on the subject of amalgamation? Perhaps I am revealing my youth and naïveté here, but it seems to me that those of us who support a referendum are doing just as the government suggested and I wonder why the government won't pay attention to the results.

You've heard a great deal before me about the trustees the government had appointed to oversee the transition to an amalgamated Toronto. This has now been defeated but I was concerned when the powers of this non-elected group were made retroactive to the introduction of the bill. In doing this, the government took power away from my representatives and essentially took power away from me and the people. It makes me and other people I know concerned about the future of democracy in this province.

I've vented my feelings now about the way the government has gone about managing this bill and I'd like to talk about my concerns with the bill itself.

So far I've read nothing that makes me feel certain that a new Metro-wide government would be as effective and as accountable as the current two-tiered system. You've probably heard this a million times by now, but it doesn't seem to make sense and, as far as I can tell, it doesn't seem to save any money.

The beauty of the current system is that local municipal governments, the cities within Metro, are in close touch with residents. The elected councillors are accessible to their constituents, and because they're responsible for a relatively small piece of turf, they can pay attention to details, things like street corners and intersections, park benches, community centres, that sort of thing. I feel that these are the things that give a city character and that show people that not only do the residents care about the city but the government cares about the city as well.

Like some of the people who've spoken before me, I have serious doubts that the councillors in the amalgamated Toronto will be able to operate on the same human scale. The ratio of councillors to residents will be such that there is no way the councillors can know what's going on in every corner of their riding. Residents and neighbourhood associations will not have the personal contact they need to be effective and they also won't have the voting clout that will make them effective. We still don't have any details about what the neighbourhood committees outlined in the bill will be like, but I don't imagine they can be as effective as they need to be.

The city governments are in contact with the people and they provide local services and look after things that need to be locally tailored. It seems to me that Metro has worked fairly well since the 1950s in providing and coordinating services needed across the region, like transit and sewers, which are boring but very important, regional roads and waste disposal, and social services, of course, because all of us in Toronto benefit if the poor and the needy are taken care of.

My suggestion for a course of action is not a new one but it's one that I think is more sensible and would be more acceptable to residents of this area. The change that I see as necessary is to recognize, as you have done a little bit, that the boundaries of the entity called Toronto have changed. The active urban region now stretches

beyond Metro to what we call the greater Toronto area, and I think it makes sense to deal with this big, complicated region now rather than sort of leave it. The government could show itself to be progressive and forward-thinking here and do some good work for the future, leaving something good behind.

Since those of us who live in the GTA share the benefits of our region — the arts, the culture, the economy, the transit and the highways — we should also share the costs. We need to manage regional issues like traffic, social services, environmental issues, police and garbage disposal across the whole region because they affect all of us who live in this big city-region. I feel that the people who manage the big region should be elected representatives because it does make them more accountable.

Making this larger region work would require, even more than Metro did, that local municipal governments continue to exist. If you've got a huge region, you have to have people who can deal with the details. I know I'm not the first person or the smartest person to suggest this. It's the conclusion the GTA task force came to when it reported after a year of study; it's a model advocated by Ken Greenberg, an urban planner I admire and who is very much respected; it was something emphasized by David Crombie's Who Does What panel; and it's something suggested by GTA mayors.

Basically, I'm concerned about the methods. I feel a two-tier level of government is very important and I think the local tier has to be small and city-sized. I'm urging the government to rethink Bill 103. Trash it and let's start over. As a region, we need more time to figure things out, to think things over, to find the best way of managing the GTA. I think it's important that you consult the citizens, consult the people who've had experience managing the area until now, and consult the experts. Most of all, make the process of change open and inclusive, and it needs to be sensible.

Mr Sergio: Reading from the same book you have quoted from, I'll read you another one: "Ontarians must once again feel like citizens with a stake in the public life of their province rather than as spectators who pay the bills but have little say in deciding what government does."

If Mike Harris and his government don't hear the result of the referendum, do you think we're just paying the bills as spectators and not part of that particular process?

Ms Brekelmans: The government has a responsibility to pay attention to the results of the referendum. If they don't, they're going to have some trouble being re-elected and I think the people will protest — I don't know; I'm not advocating civil disobedience — and I don't think people will stop protesting.

The Chair: Thank you, Ms Brekelmans, for coming forward this morning.

1050

TOM SHEVLIN

The Chair: Will Tom Shevlin come forward, please. Good morning, Mr Shevlin. Welcome to the committee.

You have 10 minutes this morning to make your presentation.

Mr Tom Shevlin: Good morning to the Chair and members of the committee. Thank you for allowing me to express my views on Bill 103.

I'm a professional engineer and a new resident of the Leaside neighbourhood of East York. While I've lived in the city of Toronto and in North York, as well as in several US cities, I've chosen to make my home at three addresses in East York for most of the past 25 years. I had hoped to remain a resident of ward 4 of the borough of East York for the foreseeable future. I should add that I'm not a member of any political party.

First, I should state that while many presenters have felt the Minister of Municipal Affairs has made some mistakes or been misguided in the formulation of Bill 103, I do not share these feelings, nor do I agree that his actions have been undemocratic. In the form of democracy that Canadians have chosen to accept, a bill introduced by a minister of a majority government has an effective degree of inevitability that his counterparts in the US Congress can only dream about. Mr Leach may technically have been in contempt of the Legislature for acting as though Bill 103 were a done deal, but really it is. But just because a majority government can act this way, should it?

I admit to having been puzzled at first by the way in which Mr Leach unwrapped the various layers of the onion that constitute Bill 103 and the so-called megaweek bills, particularly in his strident refusal to consider the wishes of the residents of Metro Toronto. He seemed to be doing all this not for Metro or with Metro but rather to Metro. His every statement to the press seemed guaranteed to produce the kind of widespread angry reaction among Metro residents that has in fact occurred. Could it just be that he is less than expert at public relations? Or is this exactly what was desired?

I submit that with Toronto-bashing being a favourite activity of most Canadians outside Toronto, as was confirmed by the previous speaker, along with the fact that the PC Party derives its Ontario power base outside Metro, this government could heavily consolidate its future electoral chances by maintaining its popularity in the regions where it had the support that put it in power while, and by, causing pain to an area whose support it could readily sacrifice. This is a recipe for the creation of a dynasty.

Taxation disparity within the GTA is a real problem for which real proposals exist, but reform would eliminate the economic advantages of the 905 area over 416, in terms of fewer costs for infrastructure replacement, social services, culture and others. Thus, 905 doesn't want reform and 416 does, but 416 is going to be so taken up for the next few years with trying to sort out the internal mess created by Bill 103 that it won't be able adequately to address the serious GTA reform that would prevent it from becoming the hole in the doughnut. So 905 will prosper as 416 sinks. The louder the screams from 416, the more 905 and the rest of the province will like it, and the Tories get re-elected. The 416 area begins to resemble Detroit, but that's okay with the electoral majority of Ontario.

I agree with those who have complained that the government was not elected with a mandate to amalgamate Metro. Indeed, there are those who say that their mandate was to eliminate photo-radar. They have recently replied that they had a mandate for change and that Bill 103 is certainly a change. No argument there. But had they used their majority status to pass a bill requiring the wearing of clown suits in the Legislature, that would also have been a change, and probably a less destructive one.

There has been a lot of talk in these hearings concerning representation in the new council, about how one representative for 50,000 is more or less the same as what most people in Metro have now. This neatly avoids the question of what the representation is going to be as a proportion of the area over which new laws will have jurisdiction. Right now my vote is worth one out of 100,000 in East York. It is going to become one out of 2.3 million, a dilution to 4% of its previous value, and my ward goes from one in four to one in 44.

That was supposed to be the cue for the Spirit of Democracy, but the Spirit of Democracy appears to have left the building.

The government members have often repeated the idea that the neighbourhoods will survive with their identities intact, since I guess they have up until now. I dispute that. Because the borough of East York has the power to make its own bylaws, backed up by the ability to raise its own taxes, it has created something that has its identity primarily due to these bylaws.

East York is a little slower and more sedate than the rest of Metro's components, not at all hip, a place where older folks are comfortable, where families don't have their values challenged at every turn, and from which some must travel to find certain earthly pleasures. East York, by virtue of its bylaws, has no strip clubs, no escort services and only one pool hall, that one having been grandfathered in. Whether one considers these to be beneficial, I can guarantee that under a uniform set of Metro bylaws, this certainly will change, either for East York or perhaps for the rest.

The city of Toronto requires practically an environmental assessment before a tree is cut down and loves to put up frighteningly excessive traffic calming devices on its streets. Etobicoke historically overregulates such things as the parking of certain kinds of vehicles in driveways etc. But the people in those places accept these things or they move on. In the new homogenized Toronto, the place to move on to will be 905, and I suspect many will.

I have been involved in my work with the planning for several \$100-million-plus projects, but I cannot imagine how the abolition of seven governments and the overnight creation of a single one to replace them can be brought about on January 1, 1998, without either (1) chaos, or (2) the reinvention of the original seven governments, thus killing any opportunity for the hoped-for savings.

A concrete example: I sign my kids up for swimming lessons in December, to start in January, with the borough of East York recreational program. Who in 1997 is going to design programs, accept registrations and plan to conduct these programs for 1998 when the corporation for which they work will no longer exist? Really, it's

been said this amounts to a hostile takeover. And will these swimming lessons have a reasonable user fee, like East York now, or be free but require lining up all night for registration, like in Toronto? I have been asking these questions and there are no answers. When I brought up this point at one of the public meetings, my Metro councillor, an amalgamation supporter, rubbed his chin and said, "You know, I don't think anybody has given these things much thought yet" — to say the least.

The so-called mayors' alternative plan for streamlining Metro has been, quite rightly, subjected to harsh criticism. What this signifies to me is that you can't do a proper job of these things in a short time with a gun to your head. At least they had some details in their plan, far more so than Mr Leach. You cannot expect to wave a magic wand over the best place to live in the world and make it completely different but even better overnight.

I would like to respond to the statements of many amalgamation supporters that the members of the No forces are under the spell of various rabble-rousers. For me, the rabble-rouser was Mr Leach himself. The minister started leaking his plan to the press just a few days after I moved into my new home, at a considerable increase in my housing investment. Whereas I thought I'd be spending many years in the East York I knew very well, suddenly it was all being blown away. My subsequent letter to the Star was the first one on the subject they printed, even after they sat on it for 11 days after its receipt.

I'd like to use this forum to respond to Mr Leach's contention that Metro has seven layers of government. My dictionaries tell me a layer is something that lies above or below another layer, not alongside. While I may occasionally require clarification as to whether something falls under Metro or East York, I am highly unlikely to confuse East York's jurisdiction with Etobicoke's. By that reckoning we now have two layers, and if you count the neighbourhood councils and the GTA coordinating board, they are about to be replaced with at least three.

As appears to be de rigueur before this committee, I too do not see the status quo as the best option. I feel the whole GTA needs to present a unified front to the global economy where the macro issues are dealt with through economic amalgamation, while the micro issues — the neighbourhood concerns, the local bylaws, committees of adjustment, parks and recreation etc — are preserved in more or less their present form.

The borough of Vaughan: I like the sound of that. It isn't going to happen, of course, due to the reasons given previously. Still, the campaign videotape of the successful PC candidate in my riding proclaimed "Local Solutions for Local Problems," and I really can't argue with that.

I am greatly concerned about property tax and property values. According to figures from University of Toronto economics professor John Bossons, after amalgamation, combined with the downloading effects of Bill 104, my taxes will double and property values will drop approximately 10%. I thought I was doing a good thing for my children buying this property, but I'm increasingly feeling like I may have blown their inheritance.

Perhaps all is not lost. I remember fondly when the PC government of the day reversed itself on the completion

of the Spadina Expressway. Mr Leach should be assured that while it is admirable to stand up for your principles, it is even more so to admit you are wrong and start over. But Mr Leach is certainly a man of principle.

Assuming this to be a done deal, I urge you to at least delay the turnover to the new council until a reasonable amount of time can be spent creating a semblance of order and continuity. Unlike others, I do understand the need to rush. This government is desperate to fulfil its promise of an income tax cut. I'll tell you what. I think I would much rather Mike Harris keep my tax cut and give back my local government and my existing property tax bill. I won't hold him to his promise to resign.

The Vice-Chair (Mrs Julia Munro): Thank you very much, Mr Shevlin. We've run out of time. I appreciate your being here before us today.

I call on Sylvia Pellman. Is Sylvia Pellman here? Okay, we'll move to the next.

1100

MARJORIE NICHOL

The Vice-Chair: Will Marjorie Nichol please come to the front? Good morning, Ms Nichol, and welcome to the standing committee.

Ms Marjorie Nichol: Good morning, and thank you very much for letting me come here this morning. My name is Marjorie Nichol. I have lived and worked in North York and Toronto for the past 25 years. Like one of the previous speakers, I'm also from Lotusland. Nothing amazed me more when I moved here than to find out what a wonderful place it is to live. I am worried that that is threatened.

There are so many reasons this bill is a horrible mistake that I won't bore you with going over them all again. I'm sure you all know by now that the citizens of Metropolitan Toronto really don't want to be amalgamated. Perhaps even more importantly, we would have liked it if somebody had asked us what we thought of the idea before they began steamrolling ahead with it. People don't like having things rammed down their throats.

All of this has put Conservative members of this Legislature in a very difficult position. There is no easy way out of this mess. I hear it said all the time that you guys don't care what people think, that you're dictators and you're going to ignore the results of all the referenda. I just find that hard to believe. This is Ontario. I believe that although there is no easy way out of this mess, there are some reasonable alternatives to the course this government is presently following.

Even if the megacity itself is a really great idea, which I doubt, I know I'm not the only one to be deeply offended by the way this government has tried to implement it. If it is such a great idea, take the time to convince us. We are reasonable people. If it really is a good idea, we'll come around. Right now, we are not convinced that our services are going to be delivered more efficiently; we are not convinced that having fewer politicians is going to be good for us; we are not convinced that it's going to save us any money. On the other hand, we are also not convinced that our taxes won't go up; we're not convinced that there won't be a tragic

collapse in social services. We are not convinced about any of these things, and that is why we are so worried about the future of our cities.

There are two important issues here. Many people I know are voting no because they don't want a megacity, but I believe just as many are voting no because they don't believe such an important decision is being made properly. We never heard a word about this during the last provincial election. I never heard one person saying they were going to vote Conservative because they wanted to live in a megacity. We have cities that work. We are scared that it's going to be seriously damaged and we don't like being told that our opinions are unimportant.

That's why tonight's referenda results are going to be what the Premier has called a slam dunk for the No side. The people are telling you to go back to the drawing board. It has been said that there are flaws in the referenda process. I agree. But that's not an excuse to ignore what people think. One of the biggest problems is that you guys haven't bothered to campaign.

Last week, I worked one afternoon as a volunteer for the city of North York. I was calling people up and reminding them to go and vote. A few people said to me that they were confused. They wanted to do the right thing. They'd heard all kinds of reasons they should vote no, and no one had told them any reasons they should vote yes. What should they do, they asked me. I didn't know what to say. If there are any reasons to vote yes, I don't know what they are. I suggested that they call their Conservative MPPs and ask them. It was all I could do.

There is a perception that while we've been campaigning, the government of Ontario has simply repeated over and over again that it doesn't matter what we think. It's not too late to change that perception. My first choice would be that the government respect the wishes of the voters and just forget this whole idea. Turkeys can't fly, and this idea is a turkey. If the Conservatives withdrew Bill 103 tomorrow morning, you would rise in the esteem of voters all over Ontario. I'm not saying we'd all turn into Tories overnight, but we would have to admit that in a difficult situation you did the right thing.

There are other alternatives. If, for whatever reason, you don't think these referenda have been fair, why don't you hold one that you think is fair? Have one voting system for all of Metro, find a question that you and the mayors can agree on — I'm sure you can do that — and then you can campaign. Explain your vision of how this amalgamation is going to improve our lives. All the issues can be aired and thoroughly discussed, and if it is as good an idea as Mr Leach says it is, I suppose you'll win. I know this will cost some money, but it is the way this probably should have been handled in the first place.

Another, less expensive possibility — and my personal favourite, unless you withdraw the bill tomorrow morning — is that you could shelve the idea until after the next provincial election. Use the election campaign as an opportunity to explain the benefits of amalgamation. If the people agree with you, you'll be back here with a clear mandate to proceed.

As things stand now, you are in a difficult position. Premier Harris and Mr Leach are asking you to support

a bill that is enormously unpopular and possibly ruinous to your careers. You've heard from your own riding associations that even lifelong Tories are against it. I don't believe that any one of you went into this business because you wanted to ram bad ideas down people's throats against our will. I talk to people all the time who believe that is why you went into politics. Maybe I'm naïve. I just don't think that's possible.

I think you go into politics because you believe that politics improves people's lives, or it can. Unfortunately, that means you sometimes have to make decisions that are extremely difficult. In this case, your moral responsibility is clear. In the absence of public support for the amalgamation, you really have no choice but to oppose this bill. I know it's not easy to vote against your own party, but you know that your first responsibility is not to Premier Harris; it's to us. Besides, it seems to me that loyalty should be a two-way street, and if I were you, I'd be asking him why he put you in this position in the first place. He's put all of your jobs at tremendous risk, and it wasn't necessary. This could have been handled very differently. It should have been handled very differently. It's not too late for you to tell him that, and it's not too late for you to do the right thing. Please show that you respect the people who elected you. If you can't convince this government to withdraw Bill 103, please let them know that you have no morally supportable choice but to vote against it. Thank you very much.

Ms Churley: Thank you for your presentation. I thought you did a very good job in a reasoned way in trying to explain to the government members why people are so angry, and I think one of the major reasons is what you said. It's being rammed down their throats, and neither the government nor the three major papers who editorially are supporting amalgamation have been able to prove their case, which to me is interesting, given the amount of money that the papers and the government itself in its advertising have put into it, which leads me to this question.

Notwithstanding the fact that there are some flaws in the referendum system, notwithstanding the fact that I like your idea — it would be nice if the government were interested in doing one itself, but it isn't — this government is already discrediting the system, saying it won't listen to it because it's a flawed referendum. What do you think the people of Metro Toronto are going to feel like if it's an overwhelming no and this government still says, "We're not going to listen, period"?

Ms Nichol: I'll answer the question indirectly. I have lived all my life in this country. I don't believe that these gentlemen are just going to stand up and say, "We don't care what you think." You're asking me what we'll do if they do that. I just hold out hope that in a democracy these gentlemen will look in the mirror, try to remind themselves why they went into this business and just go in to Premier Harris and say: "Look, I'd like to do what you want, but I can't. I work for the voters." If they don't do that, I don't know what will happen.

I hear all the time that you guys don't care what we think. I don't believe that. I hold out hope that you will listen to the people. So I can't answer your question. If

you don't, I don't know what will happen. It will be a nightmare.

Ms Churley: How will you personally feel if, as you say, these gentlemen don't support you in this if it's an overwhelming no? How will you feel about that?

Ms Nichol: I guess I'll feel that I was naïve about how politics works in this country. I'll feel betrayed.

Ms Churley: Given the general disdain that's held for politicians throughout all levels right now, do you think this is going to make that even worse?

Ms Nichol: I think it would, but I don't share this view that a lot of people have that all politicians are terrible and none of them cares what people think and they're only looking out for their own careers. You guys could prove me wrong, but I don't believe that. I believe that you guys really want to do what the people want or what is best for the people, and I believe that some of you are going to go in and say that you just can't vote for a bill that you know is this unpopular. I have faith.

Ms Churley: Do you believe the referendum tonight, in your mind, given what we know about the process, is just a few rabble-rousers and the majority of people are on the Yes side but aren't bothering to express it?

Ms Nichol: I don't think anybody believes that. Everybody knows this is terribly unpopular. There are some rabble-rousers, but the people who live on my street are not rabble-rousers. I live in North York. We've never been rabble-rousers before. I don't think even the people who are saying that really believe that.

The Vice-Chair: Thank you very much, Ms Nichol, for being here today. We've run out of time. We appreciate your coming.

I'd like to call for Sylvia Pellman. Is Sylvia Pellman here?

1110

MATTHIAS SCHLAEPFER

The Vice-Chair: Is Matthias Schlaepfer here? Good morning, Mr Schlaepfer, and welcome to the standing committee.

Mr Matthias Schlaepfer: Thank you. Critics of Bill 103 have been called ill-informed, self-protective and narrow-minded. I have lived in Toronto for exactly half of my life; the other half I have spent in Zurich, London and Paris. For almost 30 years, I have worked internationally in urban development, design and planning, for the last decade primarily in the United States. I live in Mr Leach's riding and work on Bay Street. Yet I belong to those who seem to be enslaved by, to use the Premier's words, "a maze of confusion," since I question Al Leach's urban theories and Mike Harris's royal prerogatives.

On January 13, the minister said in the House: "That's the democratic way to do things: have committee hearings, allow people to make deputations, give their concerns, give their suggestions, give options — all of which will be taken into consideration, Mr. Speaker."

There is one small problem. Supporting policy studies either don't exist or are being kept secret. What options were considered? How were consequences predicted? What evaluation criteria were used? We don't even know

how amalgamation within Metro's boundaries, boundaries that have become largely irrelevant, is to benefit the real issue of GTA-wide coordination. But we can make deputations, give our concerns, give our suggestions, give options, all of which will be taken into consideration. So here is suggestion number 1 for the minister: Show us how Metropolitan consolidation is to solve GTA-wide fragmentation.

Proponents of Bill 103 seem to be unaware that the intended GTA structure, a heavy-duty core with small fringe units, has been tried before and dropped. Between 1954 and 1974, Metro's planning area was three times the size of its jurisdiction. Surrounding municipalities, although represented on the planning board, were politically disfranchised and dominated by Metro. Such a regional guidance system proved to be a flop.

Of course, addressing overspill problems is supposed to be the province's duty. For decades now, it has simply downloaded its responsibility. Provincial ineptness, however, has reached new heights with Bill 103.

In the absence of relevant facts, I've consulted the Guide to Municipal Restructuring. In his introduction, the minister urges: "Local restructuring should not be left up to an independent third party to decide. These decisions should be made by local governments as they know best the needs of their taxpayers." The obvious suggestion number 2 for the minister: Heed your own advice, or was this another honest mistake?

I've also checked my member's newsletters. In spring 1996, Al Leach mentioned the Golden report and wrote: "For the past several weeks, a panel has been gaining public input from GTA residents and interested parties about the recommendations. The government will make its decision on reform in early spring or so." Then we were also allowed to make deputations, give our concerns, give our suggestions, give options, all of which will be taken into consideration. Unfortunately, our concerns, suggestions and options, as reported by Libby Burnham, didn't please the government, so that democratic way had to be abandoned pronto.

I have studied the minister's board of trade speech in which he boasted about the KPMG study and all its wonderful fairy tale savings. By now, of course, we have all learned that Mike Harris was right when he said services always cost more in large municipalities. Understandably, neither the minister nor his experts can name a single city anywhere where amalgamation has saved money. Here is suggestion number 3: Show us savings based on more than a hope and a prayer.

The minister went on to brag about a new structure of city council, community councils and neighbourhood communities, which incidentally isn't mentioned in the bill. He said: "It will reduce overlap and duplication. It will be a simpler, more accountable, less confusing system of local government."

New York City has a similar makeup of city council, borough boards and community boards. To learn how it reduces overlap and duplication, you review, for example, its convoluted Uniform Land Use Review Process. You've got a diagram in your package. Suggestion number 4: Learn from the mistakes of megacities.

I've also examined the minister's famous pamphlet. In it he asks, "Would we be better served by one unified government...one that is competitive and strong and brings with it international recognition and presence in the global market?" The answer is simple. No. Big governments are not competitive. Places that flourish in the global economy bridge local boundaries, promote creative learning and foster adaptive alliances. In contrast, Al Leach wants to fashion Toronto after autocratic Singapore.

Japan, Germany, Switzerland and the United States consistently excel in international rankings of competitiveness. How were their successful areas structured?

Japan's Keihin region, the world's leading high-tech area centred on Tokyo and Yokohama, is a composite of numerous local jurisdictions.

Germany's Baden-Württemberg, recently singled out as a role model for 21st century competitiveness, is organized as a multicentred region focused on Stuttgart, with 560,000 residents.

The canton of Zurich, the economic engine of Switzerland, covers only a quarter of the GTA but is made up of 171 municipalities whose autonomy is safeguarded by a cantonal constitution.

The Silicon Valley, covering 15% of the area of the GTA, crosses municipalities from Palo Alto to San Jose. Success factors include a celebration of individualism, a disdain for bureaucracy and a distrust of big-government solutions, the direct antithesis of a megacity.

Suggestion 5 for the minister: An open, cosmopolitan mindset cannot be imposed through a rigid metropolitan structure.

This brings me back to the democratic way to do things. The Toronto Star's John Honderich recently wrote: "On the issue of referenda, the Star has consistently opposed their use to determine government policy. This is not because of any attempt to deny democracy, but more because we believe in a theory of representative democracy."

Unlike the Star, the apparent brain trust of megacity mania, I'm no authority on the theory of representative democracy. But to call democratic a practice where, for five years, a government elected by a minority can impose on the majority whatever it likes, even the exact opposite of what it promised, I find shocking. That in fact is democratic centralism, a doctrine proclaimed by Lenin in 1906, which calls for iron discipline and autocratic control. Is it any coincidence that Moscow is one of the few megacity precedents? In 1931, the central committee of the Bolshevik Communist Party and the USSR Council of Ministers assumed direct control of Moscow, and in 1960, its size was doubled by Khrushchev. He at least had the guts to admit that: "Politicians are the same all over. They promise to build a bridge even when there is no river."

For 2,000 years, democracy meant rule by citizens. Only 200 years ago, representative democracy was born because, as Alexander Hamilton put it in 1777, from the people, you must expect error, confusion and instability.

However, as the Economist recently pointed out: "The changes that have taken place since then have removed many of the differences between ordinary people and

their representatives.... As a result, what worked reasonably well in the 19th century will not work in the 21st century."

What doesn't work has been plainly exposed in this megacity fiasco. Not only does our electoral system distort the popular will, colossal confusion reigns over the roles of representatives. They don't reflect the views of their constituents, the principle of delegation; they aren't obedient to campaign promises, the principle of mandation; and they don't act according to their own conscience, the principle of representation. Instead, they submit to the capricious control by party despots whose highest moral credo seems to be, "If you are willing to rob Peter to pay Paul, you can always count on the support of Paul."

Some advocates take the narrow legalistic view, firmly based on deep medieval thinking, that cities are nothing but creatures of the province. Surely the nature of a city's evolution directly affects its democratic legitimacy and shapes its political culture. A city based on the normative will of its citizens has a capacity to form a consensus on aspirations and to nurture ingenuity, tolerance, liberty and compassion; an institution imposed through reckless intervention and brash coercion does not.

In summary, Bill 103 offers a foolish choice. To paraphrase Woody Allen: More than any time in history, Toronto faces a crossroads. One path leads to the status quo of despair and utter hopelessness; the other to amalgamation and total extinction. Let us pray that we have the wisdom to choose correctly.

My final suggestion is for government members. Show integrity and stand up for moral standards. Free us from this mega-blunder so that we can find common ground. That's the democratic way to do things.

1120

The Vice-Chair: Thank you very much, Mr Schlaepfer, and we'll ask Mr Gilchrist: 30 seconds.

Mr Gilchrist: Very briefly, then. Sorry we don't have more time. Thank you for your presentation. I would correct one aspect of your report. In fact, the Robarts report suggested a number of changes within Metro that if not followed, his submission was, York and East York could not survive, particularly York. The Goldenberg report in 1965 called for the elimination of York and East York that far back. So to suggest that there have not been studies that suggest it is inappropriate to have communities that small — they date back 30 years.

I note that in your summary of various authors on the subject you don't list Neal Pearce, Michael Keating, J. J. Palen or Robert Dahl. For anyone you could quote suggesting cities should stay small, I could quote you one who has said the cities must grow to be able to remain competitive with the other large cities around the world, we must find a niche, we must market ourselves comprehensively as one common market to be able to stand on our own and to continue to attract jobs and investment. But I thank you for your report.

The Vice-Chair: We've run out of time. Thank you very much for appearing here today.

Mr Schlaepfer: Was that a question?

The Vice-Chair: We've run out of time. Thank you very much.

JAN BEECROFT

The Vice-Chair: I'd like to call on Jan Beecroft, please. Good morning, Ms Beecroft, and welcome to the standing committee.

Ms Jan Beecroft: I'm here to speak to an aspect of community life that is normally not terribly politically active. First of all, I'm an officer in several organizations, one of which is a local history group which studies the downtown area, particularly a section of the city which contains eight historic communities. I'm also an officer in an organization which studies the founding period, and I would suggest to you that there are probably very few people in this room who actually know where Toronto began and where the original town of York existed and what may be left of any of that. I'm also chair of a heritage cooperative which deals with everything from ethnic history through rail history, and I'm spokesman for a movement which deals with the Toronto waterfront and increasing concern over what's happened to that waterfront. This movement has a published vision which has over 100 pages of public endorsements. I'm here to address the subject of heritage, which I do not see evident anywhere in either Bill 103 or any of the other legislation that is being proposed.

I would like to suggest that communities, as well as governments, exist for the benefit of their citizens, not the other way around. What defines a community, large or small, whether that community is simply a neighbourhood or a province, are the things that give it an identity. The sense of community and identity are inextricably tied to history.

The Metropolitan heritage community has been trying to map the heritage of the Metropolitan region. Over the past five years, we have identified 90 aboriginal village sites dating from a period of 10,000 years that we can talk about and another 90 which we are unable to talk about because of the need to protect these as archeological sites.

I ask you to think where in the Metropolitan region there is any evidence whatsoever of 10,000 years of aboriginal occupation in those communities. I'd ask you also to think of the French regime, where we had 200 years of French history in this province and in this city before the British regime ever began. Where would you go to learn about or see that? There were five French communities here before 1759 and what followed 1759.

In the British regime, this maps project has identified the existence of nearly 300 communities that can be pinpointed within the boundaries of Metropolitan Toronto and were in existence before 1900. What has happened to these communities? Many of them continue to exist as neighbourhoods, and in those neighbourhoods I think you'll find, if you look, that not only have there sprung up a number of heritage organizations which research and try to protect the things that identify that neighbourhood, but there are also residents' associations which do the same thing. These organizations often end up opposing the political officials elected to protect the public interest.

If so much of this heritage is already invisible, what is going to happen within the Metropolitan region with continuing change? If you watch television, you'll see an

ad from CIBC on television which says, "When you never forget where you came from, you can see clearly where you're going." That is an axiom which has been expressed over and over again throughout the field of heritage work and through historical research. You can't know what you should do next until you know what's already been done.

Within the Metropolitan region there has been a constant evolution, a constant series of changes: changes of boundaries, mergers, amalgamations, annexations, absorptions of various kinds. The ones that have worked have worked because the citizens asked for it.

It's my perhaps naïve belief that governments are elected to serve the public interest. In the province of Ontario, and this bears directly on the Metropolitan region, what is the government doing in this bill or in any of the other bills to protect the backbone of historical research that reveals our identity, and that is specifically the land records? Perhaps the committee is aware that all of the land records from 1793 to 1945 have been destroyed. All we have left are copybooks with errors and some microfilm which is not complete and is of very poor quality. That is a responsibility of the government of Ontario, to protect these records. That's part of knowing where we came from.

It also has significance because in Bill 103, because there's no mention of heritage, there's no mention of the rights of certain groups — I'd like to draw to the committee's attention the Mississaugas of the New Credit, who were the people who lived here with whom the negotiations for the Toronto purchase were carried on. Those negotiations began in 1783 but the final documents weren't signed until 1923, and throughout the whole process the Toronto Islands were never part of the deal. No government in Canada owns the Toronto Islands. Where is the protection for the rights of the people who own them? Where is the protection for the Toronto Islands as a natural heritage resource?

If people who do not know their history make decisions, they're going to repeat the mistakes of the past. We've seen in the Metropolitan region a lot of mistakes: We've seen our rivers buried; we've seen our ravines filled in; we've seen the shoreline of the post-ice age Lake Iroquois eroded and bulldozed away and developed over; we've seen the builders and their achievements of the past torn down and forgotten, resulting in a serious loss of identity and a metropolis that looks or is beginning to look as if it was just born yesterday.

1130

Bill 103 has no mention of heritage. What is going to happen if government at the provincial level abdicates its responsibility for preserving the identity of communities, downloads it on municipalities, who then download it on to the volunteer sector, which is the one I work in?

Taking the land records as an example, the suggestion has been made by this government that those who value these records — the volunteer sector, the historians who work without any support — simply take these records over. In the Toronto region the present set of records from 1945 to 1955 amount to some 68 filing cabinets full of records. Most heritage groups in the volunteer sector don't even have a home. They meet in libraries or park

benches or restaurant tables. How can they assume that responsibility which is properly that of the province?

Museums are closing. What is going to happen to tourism if not only the buildings are disappearing but the existing museums and heritage resources which might bring tourists from other parts of the world to visit the city and understand it? What is going to happen to that tourism industry if these things fail?

The Chair: Sorry, Ms Beecroft, we're coming to the end of your time. I wonder if you could sum up in the remaining seconds.

Ms Beecroft: I would like to propose that Bill 103 be withdrawn and that the process of consultation with those who pay the bill begin. Thank you.

The Chair: Thank you very much for coming forward this morning and making your presentation to the committee.

DAN KING

The Chair: Would Dan King please come forward. Good morning, Mr King. Welcome to the committee. You have 10 minutes today for a presentation.

Mr Dan King: Good morning. I trust everyone has a copy of my presentation which is being passed out at the present time.

My name is Dan King and I am one of the active members of the Toronto LETS system. LETS stands for Local Employment and Trading System. The Toronto LETS system has over 700 members from all parts of Metro Toronto. These are people who believe in actively trading goods and services between each other without the use of cash. Careful records are maintained in nominal dollars, and we pay our income taxes.

Our system works because it constitutes a closed trading circle where everybody is empowered to trade with everyone else. This enables everyone to participate fully in a closed economy and ensures that no one who is willing to work will be left behind. The net result of this is that small businesses are able to cooperate through the exchange of underutilized capacity, and this reduces costs in the short run.

The members of the executive of the Toronto LETS system would like to encourage this committee to consider the benefits of Metro-wide or GTA-wide trading and exchange systems for municipal governments specifically. This is how it would work:

Let's consider three municipalities which have specialized skills in specific areas. I want to point out that the examples I'm giving here are just examples and don't reflect necessarily any real skills on behalf of the municipalities. Let's suppose that North York is excellent in lawn maintenance, the region of York is very good in building maintenance and Etobicoke has a specialized skill in road maintenance. Each municipality has these areas which they're better at and other areas where perhaps their departments could be improved. Rather than spending extra money on upgrading these departments, these departments could be closed or reduced and the funds released invested in their better departments.

Each municipality will trade with the other municipalities those services that they are most efficient at provid-

ing, and there would be no need for each municipality to balance out their trading. With six or seven municipalities bartering, trading and exchanging with each other, all that would matter is that there was, in general, an overall balance.

Simple bookkeeping would keep track of all this. A central municipality exchange office could keep a ledger, and this could easily be handled by Metro or possibly by a GTA level of government.

Municipalities would achieve greater efficiencies through specialization. While municipalities achieve greater economies of scale, they would at the same time achieve a greater choice of suppliers. In some areas of service, several municipalities could compete to become the efficient supplier of choice.

I'm moving on to the middle of the next page now. I have spent several years working in the oil industry, and there are extensive exchange agreements with the different companies. Texaco would lift, as we call it, product from our Edmonton refinery and we at Gulf Oil lift product from the Nanticoke refinery. The consumer benefits from these arrangements because the transportation costs that would be required if we had just used our own refineries are eliminated.

The municipalities are doing much the same thing as we do in the oil industry for fire service in Metro. They keep records and they bill each other for their various service calls. Let's expand this program that we have going and working for the fire service in Metro. Let's barter and trade every service that we have in Metro, every service that our municipalities have to offer. Let's increase this 100-fold.

In his recent position paper, Michael Walker of the Fraser Institute — and I've included this as the last page of my flyer — points out that large amalgamated city governments reduce competition between governments simply by eliminating them. This produces big-government stagnation and inefficiency. Michael Walker supports the disaggregation of municipal governments into smaller units, like the ones we have now in Metro. These can compete with each other to produce the most attractive urban environment possible for Metro residents, and a diversity of lifestyle choices at the lowest possible cost.

I'm particularly addressing this to the government members. This has been a very difficult process of amalgamation, not only for Metro but also for the government, and everyone's position appears to be in jeopardy at this time. The government spokesmen have indicated that amendments are likely to be made, and I ask this committee to consider taking something very positive back from the hearings to cabinet. I ask this committee to take something that will result in major cost savings without any significant outlays in transition costs at all.

Our proposal will permit amalgamation of Metro at a balance-sheet level without enduring the costs of amalgamation at a political level. The 15% savings that are needed to deliver the government's tax cut targets could be reached by delivering this at a municipal level. A Metro-wide trading and exchange system for goods and services specifically for the seven municipal governments will provide this government with a positive restructuring

alternative that will yield great benefits and change for the better the very nature of municipal government.

I'd like to ask the Chair for permission to at least receive questions of clarification perhaps from all members of the committee, since this is a matter of economics.

The Chair: The Liberal caucus has the ability to ask questions at this point in time, so they can ask or answer or transfer their periods. It's up to them. Do you want to put some questions on the record?

Mr Colle: I just have one question. You brought up an interesting point here in terms of quoting the conservative think tank, the Fraser Institute. The executive director, Michael Walker, who basically reinforces your point, says: "Amalgamation also brings with it another problem, namely, monopoly supply. An amalgamated municipality has only one supplier of all city services. This monopoly supplier typically then finds it expedient to negotiate with only one supplier of labour services. The taxpayers then become the foils in a ritual drama..."

In terms of your system, you're trying to say that you want to encourage competition and a multitude of suppliers of products and services. Is that the essence of what your thesis is in your LETS program?

Mr King: That's right, just the way business works in the community: a multiplicity of suppliers. But in this case here, for those who are concerned about union jobs, we could have union workers in East York and union workers in North York and they would perhaps both be doing municipal services of different types, and they would compete to do the work in Etobicoke.

1140

Mr Colle: Okay, that's fine.

Mr Sergio: Mr King, from your presentation, I gather that you prefer the "smaller is better"?

Mr King: It's interesting, because smaller is better in the sense that we can permit greater variety of choice. On the other hand, if instead of having seven lawn-trimming departments in Metro, we have maybe three or four, we'll also be benefiting from competition and choice, but we'll still achieve economies of scale.

Mr Sergio: I haven't read anything in your presentation with respect to the GTA. It may be fine to have these three or four new cities within Metro here, eliminating one level, but what about the GTA, which has been something that has been touched, studied, recommended by previous reports? Do you think we should be addressing ourselves, if we do make changes now with this sort of amalgamation idea, to take into consideration the GTA as well?

Mr King: I think actually the possibility of a GTA-wide level of government is very exciting for this type of proposal because instead of having seven municipalities competing and providing that choice, Etobicoke would have the alternative of getting some of their landscaping done by Mississauga's departments. There's opportunity for tremendous efficiencies increasing there.

The problem with Metro amalgamation is that it actually reduces the viability of GTA government — I'll call it government, the GTA organization — because you have one very large member-participant and then a lot of

smaller ones. So we're really going in the wrong direction.

Mr Sergio: What squabbling we have seen is the Metro municipalities versus the other regions, again the GTA. This is something that even the government has been basing its own legislation on here that says we have to eliminate this and that. But are we really eliminating by creating one big city here, leaving the GTA untouched? We are creating two larger bodies to go at each other again.

Mr King: I certainly agree with you, especially in the fact that it would reduce choice. It would reduce choice not only for citizens but also for governments and for different people. There's less choice with one larger government.

The Chair: Thank you, Mr King, for coming forward and making your presentation.

MIRIAM HAWKINS

The Chair: Would Miriam Hawkins please come forward. Good morning and welcome to the committee.

Ms Miriam Hawkins: Thank you very much. Good morning, Mr Chair, members of the committee.

I wanted to follow up on what Dan King was talking about with respect to the Local Employment and Trading System. I think it's quite a brilliant plan and it's one that dovetails with some movement in the rest of the world economies. We see local governments across New Zealand, Australia and now England moving towards local employment trading systems. They're subsidized by the federal governments and by municipal acts that allow for seed funding for local employment trading systems to be established in these areas. We have 600 across Australia and New Zealand and another 600 being established in England as we speak. So local employment trading systems are certainly a form of alternative currency.

I think one of the things we see as one of the major thrusts in terms of what will be devastating results of the implementation of Bill 103 is that we're running out of money. We're running out of money federally; we're running out of money provincially. The honourable Marilyn Churley will remember how we introduced casinos and why we introduced casinos into this province despite huge public distaste for casinos. I remember sitting in the casino project offices and seeing the stacks of petitions six feet tall lined up side by side. We're bringing in casinos because we're running out of money, and this is one of the reasons we need to look at alternative currencies.

But if we could just backtrack a little bit to Bill 103 and the nature of Bill 103, it is entirely anti-democratic. It sets a precedent whereby a provincial government can eliminate local democracy in one fell swoop. It stuns me how much power this gives a single minister of the government. There isn't a recourse to cabinet; there isn't a recourse to public consultation. It sets up a process whereby we would have public consultation but it wouldn't have any meaning, it wouldn't have any authority. In fact, the public consultations are really void of any kind of meaning except that they are included in the bill perhaps to let the public think they will have input. But

there's no binding enforceability of anything the public has to say.

If the intention of the government is to ask the public for input into the development of a strategy, this is certainly not the way to do it.

If I could just review a couple of the aspects of the bill, what I think is most confusing perhaps is the dates. What we see here is that the order to take place on January 1, 1998, is back-dated under section 23. We're talking about subsection 4(2), the order for the wards and neighbourhood committees to be reassigned under 22 electoral districts. The date on which this order takes effect is rescinded by a subsequent section, and this is very confusing. I don't know whether this is intended to facilitate something that again should be subject to public discussion. I think the public wants to take part in the reorganization of electoral districts. To have all this taking place by the end of 1997, with the order taking effect after the fact, and for it to be back-dated by yet another section of this bill is incomprehensible.

We see the transfer of powers and provision for the private and secret sale of public utilities of all kinds. Again, public control over these utilities is a long-established and meaningful example of how the public should be taking part in the control of its services. This is a very frightening direction and one that again calls into question the sincerity of this process.

The city council will be responsible for establishing the neighbourhood committees, and yet we see a process whereby the function of these neighbourhood committees would be determined by the board of trustees. Where will the final power truly lie? Will it lie with an elected council or will it ultimately lie with appointed trustees and transition team members? Who are we really saying the neighbourhood committees will report to if they have no power and if the trustees are appointed?

Another question is, do we want to maintain a system where we might have a trustee who can appoint a single person — the board of trustees can be appointed by the Lieutenant Governor; it can be a single person. So in other words, we're vesting an incredible amount of power in potentially one person who is appointed by an appointee. It seems to me that we're taking what is now a very large city with a great degree of representation and boiling it down into a single appointment that will have no public recourse, no recourse in the courts. It sounds to me like an abrogation of all democratic principle.

When we see what the bill holds in terms of the public consultations and what the transition team will do, the transition team is already given the power to establish the new city's basic organizational structure, which makes one wonder what the purpose of public consultations will be, because we already have the functions assigned to the neighbourhood committees and the public consultations are after the fact. We already have these things designed; it's in the bill. We have these neighbourhood committees already set up and their functions designed and then we hold public consultations to decide what that will be. That sounds like putting the cart before the horse. As to the rationalization and integration of municipal services, again it appears that there's public consultation on this, but we've already set this up in advance. These functions

are already determined by the appointees, so I don't see that these public consultations are meaningful nor are they binding.

There's no end to the examples of how there is no more public representation under this bill. I stayed up till 6 o'clock in the morning reading it and re-reading it and trying to find a way that the public's input is really going to be meaningful, and I could not. It seems to me that we are certainly moving away from a system in which the public can access its councillors to one in which there will be a Premier and possibly as few as a single trustee on a board of trustees which can make decisions without recourse to any kind of public consultation.

I'll leave it at that. It seems that we're going in the wrong direction as a municipality and that the public will not be satisfied with the downloading of costs and that in fact we may see these local employment trading systems growing as a direct result of this in any case. Whether or not the municipalities take part in this, the public will turn to alternative forms of currency because of federal policies and provincial policies that don't take advantage of our power to create money for public works and to pay our bills. I think this will be the ultimate result, that people will join barter systems and alternative currency systems and move away from a dependency on a system which is falling apart.

The Chair: Thank you very much. You have about a minute, Ms Churley.

Ms Churley: Thank you very much. I'm not "the Honourable" any more, by the way.

Ms Hawkins: I still want to call you Honourable.

Ms Churley: I continue to try to be honourable.

Your example about the casino: Of course our government brought in the one in Windsor and the first nations and said that we would not allow VLTs outside of gaming establishments. Interestingly enough, it's connected in a way to this bill because Mike Harris, who was then the leader of the third party, said that he would not allow any more casinos without referendums. In the meantime, they're establishing them all over Ontario through the back door, charitable casinos, without referendums.

Of course we're having a referendum today because this government refused to go out and listen to the people. The cities are having these referendums. The government says it will not listen even though we all know by now — they've even conceded — that it will be an overwhelming No. How do you feel about that, that the government said it won't listen to the results of a referendum?

Ms Hawkins: It's fitting with the style of this bill because the public consultations which are built into the bill to develop the role of the neighbourhood committees and that would purportedly set the course for the design of the new city do not bind the government to anything the public has to say in these consultations. So it seems to me that they want to do it their way and ignore what anybody has to say from the outset and it's built into the bill to reinforce the lack of recourse that the public would have on any consultative process.

The Chair: Thank you, Ms Hawkins, for coming forward with your presentation.

Stewart Mlotek? Sylvia Pellman? I think both are no-shows, so this committee will be in recess until 3:30.

The committee recessed from 1154 to 1533.

DENNIS RAPHAEL

The Chair: Good afternoon, ladies and gentlemen. Welcome back to the standing committee on general government and the hearings on the City of Toronto Act. Our first deputant today is Dennis Raphael. Good afternoon and welcome to the committee.

Dr Dennis Raphael: My name is Dennis Raphael and I'm a professor of community health at the University of Toronto. I'm also a psychologist. I research the quality of life of communities with particular emphasis upon the health and wellbeing of seniors, youth and persons with disabilities. I'm here to talk about Bill 103 and why I see it as a threat to the health and wellbeing of the residents of Metropolitan Toronto.

The first reason Bill 103 is a threat has to do with what we know about the health and wellbeing of individuals who live in different sized cities. An extensive body of research has documented that the health and wellbeing of individuals who live in larger cities are generally worse than those who live in smaller cities. After an extensive review of all these studies, Kirkpatrick Sale concluded:

"Evidence of a poorer quality of life in larger cities abounds in the areas of mental and physical health, education, crime, recreation, and cultural activities (excluding symphony orchestras and opera companies). The traditional economic advantages provided by the 'agglomeration effects' (the benefits of having everything conveniently lumped together) no longer are in evidence in giant cities."

In regard to illness and disease, the extensive review by Sale found:

"The data consistently favour small cities: There are fewer pollution- and stress-related diseases, lower death rates for cancer, heart disease and diabetes, markedly lower incidences of bronchitis, ulcers, high blood pressure, alcoholism and drug addiction."

Why would this be so? Mr Sale states that once a city becomes too large — he sees cities of more than 100,000 as becoming problematic; others argue for an optimal size of 250,000 — citizens lose the ability to influence local governments. Essentially, they lose their ability to participate as partners in the democratic process. Urban authority Jane Jacobs, the author of the classic *The Death and Life of Great American Cities*, argues that larger governments are more distant and unable to respond quickly to local needs.

Community psychologists find that a prime component of health and wellbeing is a sense of belonging and community that larger cities are not conducive to developing. In all of these scenarios, the lack of community belonging is associated with feelings of powerlessness, which then serves as a risk factor for the development of malaise, illness and disease.

All the published literature I have seen agrees with these conclusions. Extensive studies done by Lee and Guest, Appelbaum and Dahmann all reached similar

conclusions: Larger cities are related to lower quality of life. Let me repeat this: Larger cities are related to lower quality of life.

One of the most famous living authorities on cities, Ms Jacobs, has already testified to this committee on how Bill 103 bodes poorly for the people of Toronto. Why would any rational human being want to risk destroying the number one municipality in which to live in the world in light of all of these findings?

In my own ongoing research, I ask residents in Metropolitan Toronto what makes for a good quality of life and what is it about a neighbourhood or community that makes life good for them and the people they care about. People of all ages speak of how responsive community representatives, availability of free or low-cost community recreation and service facilities, quality and well-cared-for housing, public transportation, and safety and security improve their lives. Also mentioned are the availability of medical care and local community health centres. Of almost universal concern is the effect of cutbacks in services. Nobody thinks that amalgamation will improve their quality of life. In fact, most people we have spoken to believe that the biggest threat to their quality of life are the policies of this government, including Bill 103.

This should not be surprising. The World Health Organization's healthy cities project has documented a number of qualities of a healthy city. These include a number of characteristics that are directly threatened by amalgamation. These are a safe, clean physical environment of high quality; an ecosystem that is stable and sustainable; a strong, mutually supportive and non-exploitive community; a high degree of participation and control by the public over the decisions affecting their lives, health and wellbeing; the meeting of basic needs for all the city's people; and the encouragement of connectedness with the past.

The city of Toronto is a founding member of the healthy cities movement and an honorary member of the World Health Organization's European healthy cities office. Does anybody really believe that an amalgamated Toronto will be able to achieve the qualities of a healthy city? The threat of amalgamation to Toronto citizens led to the following resolution being moved and accepted by the health and wellness working group of the Toronto Mayor's Committee on Aging: "Whereas local government is seen as most likely to meet the specific needs of seniors and whereas larger governments are more likely to not meet the specific needs of vulnerable groups such as seniors: The TMCA identifies Bill 103 as a threat to the health and wellbeing of Toronto seniors, and therefore states its opposition to Bill 103." This motion will be considered by the full committee tomorrow.

Based on everything we know, including the overwhelming opposition to Bill 103 from virtually all urban experts, why would this government continue with its blind adherence to legislation that is so obviously flawed and misguided? Some believe that Bill 103 is a smoke-screen for downloading social and health services on to the municipalities. In this blitzkrieg analysis, the government throws so many things at municipalities that they won't know what to do next. There probably is much truth to this view, but I have a different explanation.

1540

I was originally trained as a child psychologist, and in child psychology there is a concept called impulse control. Impulse control refers to the ability to control feelings and ideas of hostility and aggression, as well as inhibit immediate gratification of desires. For children, impulse control is an important issue among two- to five-year-olds.

In most children impulse control develops together with empathy and a decrease in egocentrism. When impulse control does not develop, we see behaviours that are common among spoiled children, delinquents and, in severe cases, criminals: verbal abuse, impulsive actions and little if any reflective behaviour. Also common are outbreaks of sulking, brooding and whining, and episodes of untruthfulness.

It is my hypothesis that Bill 103 is a result of the lack of impulse control among prominent government cabinet members. If a cabinet minister has the idea of downloading public health costs, "Sure, let's do it." If another thinks to get rid of social housing, "Why not?" If another gets the idea to punish the city of Toronto for opposing the end of rent control and having a progressive council and mayor, "Sure, let's get rid of them too."

Sadly, the prognosis for the lack of impulse control is not good. If caught early enough, new skills can be learned and sometimes late bloomers can internalize controls without behaviour modification. Sometimes even medications are helpful. Becoming aware of the problem is part of its solution.

At a recent meeting of Citizens for Local Democracy, best-selling author John Ralston Saul, another opponent of Bill 103, related that an assistant to Al Leach had asked Mr Saul with much gusto words to the effect of: "Don't you want Toronto to be like New York or Chicago? Those are great cities." Well, I grew up in New York and I also lived in Chicago. In both places many people had no idea who their city councillor was, and many residents of Brooklyn, Queens, the Bronx and Staten Island had no idea where city hall was.

Was New York a great city for me? While it may have been great for the opera, classical music and theatre, and even at times for its basketball and baseball teams, it was also great for crime, break-ins, racial hatred, poverty, illness, dirt and garbage. Chicago was a bit better, but don't be caught downtown after dark, or on the south side any time.

If New York and Chicago represent the image of Toronto that this government and Bill 103 would have us aspire to, then the people of Metropolitan Toronto are in trouble. Many would share my view that government members who wish to live in a Toronto like New York or Chicago, should move there rather than bring it here.

When I first came up to Toronto from New York City in 1973, I thought I had died and gone to heaven. I still do. In Toronto I know my city councillor, Metro councillor and provincial MPP on a first-name basis. In a representative democracy who else can I and others call upon to influence the government of the day? The mantra of this government that we have too many politicians begs the question: If we have fewer politicians, then who do the people have to influence how governments make

policy? Should we leave this influence to big business, the market, the global economy, the chamber of commerce?

The problem is not politicians. I am very happy with mine, thank you. We need more like them, not less. The problem is politicians who feel no need to be accountable to citizens, who deny citizens the opportunity to meaningfully affect government policy and who, already found to be in contempt of the Ontario Legislature and more recently found to be in contempt of the law, continue to be in contempt of the people of Metropolitan Toronto.

Bertolt Brecht said: "What good are cities, built without the peoples' wisdom?" Today, March 3, the people of Metropolitan Toronto are speaking their wisdom. Listen to them and withdraw Bill 103 now.

The Chair: Thank you very much, Dr Raphael. You've effectively exhausted your allotted 10 minutes, but I want to thank you for coming forward this afternoon and making a presentation to the committee.

ROB MAXWELL

The Chair: Rob Maxwell, please. Good afternoon, Mr Maxwell, and welcome to the committee.

Mr Rob Maxwell: My comments are going to be quite brief. I would expect that by this point in the hearings everything that could possibly be said about this bill has probably been said many times over.

On a personal note, you have my sympathies: I know what it's like to sit through these long meetings and I certainly congratulate you for having the stamina to do that. I hope that what you're hearing today, and on previous days, is going to have an affect on the decision that's ultimately made about this bill.

I want to talk a bit more about the politics surrounding this issue rather than the bill itself. I'd like to offer a way out of what I think has become an extremely messy situation for the government, and I think it's a way that would suit the interests of all the parties involved. All I really have to say about Bill 103 is that it is virtually without merit or support. Normally all that it would take not to proceed with a piece of legislation would be one of those two things, and here you have both. I would echo the words of the previous speaker that this bill should clearly be withdrawn.

One of the first rules I think everyone learns in politics is that when you figure out that you've dug yourself into a hole, you should stop digging and look for a way out of the hole rather than try to get yourself in deeper. I think the simplest and cleanest solution for the government is to simply agree that it will respect the results of the referendum that is happening today across Metro. The people of the six local municipalities would understand what you were doing, they would respect you and thank you for doing that, but the minister is saying that he will not do that.

I guess the question that I would put to the government members of this committee is: Why would you trust the judgement of the architect of what has been the biggest political fiasco for this government today? Why would you follow the advice of a general who is preparing to march all of you over the edge of a cliff? I think it's very

difficult for someone to imagine what else Mr Leach and his advisers could have done wrong with this bill.

Initially, I think the strategy was that they believed the municipalities would not have the referenda, and that was wrong. I think they then felt they could convince us that we shouldn't proceed with the referendum, and they were wrong in that assessment again. The bill was announced as part of the mega-week package, which I think was another example of bad judgement.

While all this was going on, of course, Mr Leach was found to be in contempt of the Legislature, and a major part of the bill was thrown out by the courts even before it got through this committee. I don't think anyone could think of an example of a piece of legislation that has taken that many hits and has been subjected to that much bad advice.

The strategy Mr Leach appears now to have adopted is to downplay the referendum and its legitimacy and to tough it out and to hope that eventually the opposition will go away and that the government will come out of this thing clean. But I think all of you know that is not going to happen because this issue has really taken root all across Metro, in communities all across Toronto and the other local municipalities.

The opposition to the megacity makes the battle over the Spadina Expressway really look like a skirmish at a Sunday school picnic over who's going to choose the tuna fish sandwiches. That was, to this point, probably the biggest political debate that has occurred in this city for decades. I have been involved in politics in Toronto for nearly 25 years now and nothing that I have ever witnessed even remotely comes close to approaching the level of anger that exists among the public about this legislation.

I think what the Metro Days of Action may have failed to accomplish last October you have done to yourselves as a government. When the inevitable implementation problems that are going to crop up around this bill for the new megacity arise next year, those problems will not be the political responsibility of that new municipality. They will be the responsibility of the government. Everyone will know that. Everyone will point the finger at Queen's Park. I think everyone has told you that you cannot possibly implement the legislation in the timetable you have set for yourself. There are going to be some very major screwups around the implementation of this bill should you decide to proceed. The public will see that it is not the responsibility of the new municipality that's being created, it is your responsibility.

My observation about this government is that, above everything else, it wishes to appear competent and in control. You, as members of the governing party, want to be seen as good managers. It's very difficult to establish that kind of reputation. It's a tough thing to do, and once you lose that kind of reputation, it's even harder to win it back. I think really at the end of the day that's what's at risk for the government on this issue. I think above and beyond the fact that you are going to look like you do not care what people think, it's going to look like you don't know what you're doing.

That is something that's going to affect you not just here in Metro, it's going to affect the government across

the entire province, and I think increasingly across the country. This has clearly become an issue of some national importance and the national press are watching very carefully what is happening in Toronto today and will continue to watch how this whole process rolls out.

I think the bottom line is that the government is going to pay an enormous political price for proceeding with this bill and at the end of the day you're not going to have a whole lot to show for it.

I think that the solution, however, is very simple. You should respect the results of today's referendum, and if the result is no, I would urge you, as a number of government members did last week on a motion coming from the opposition on the health care issue, to vote against the government.

I would then ask you to urge the minister to sit down with the local municipalities and Metro, which is really what you've done in any other city where this type of process has taken place, and talk to us and with us about the kinds of problems you see and some of the solutions you would like to offer and listen to what we have to say about that.

I think you would be very surprised at the level of agreement that would flow from those discussions. If you approached us in a fair and equitable manner in the same way that you have other municipalities in this province, I think that you would find a gesture of good faith coming back towards you and that we could sit down and probably hammer out about 90% of what you perceive as being problems, and we could probably do that for you in a way that would avoid the kind of fuss and bother you have got yourselves into up to this point.

Those are my comments. I said I would be brief and I'm very happy to answer your questions.

1550

Mrs Julia Munro (Durham-York): Are you suggesting that you are not comfortable with the status quo in terms of the kind of organization we have currently?

Mr Maxwell: I think there's a willingness on the part of my municipality and the other local municipalities within Metro to sit down and engage in a discussion on this.

Yes, clearly there are some problems. I don't think the problems are of the sort that require the mega-solution that is being brought forward today. For example, Mr Hastings, when he was a councillor in Etobicoke, and myself were involved in a committee of local councils within Metro that talked about many of the issues the government is hoping to deal with today. There were processes that had been engaged in to try and address those concerns.

What was needed was the intervention of the government in a way that respected the local municipalities and didn't dictate to them. We needed someone to come in and facilitate some of the difficulties we may have had with the discussions. I believe absolutely and completely that we could have achieved something had that been the approach the government took.

Mr Dan Newman (Scarborough Centre): Councillor Maxwell, should Bill 103 pass — under the assumption that Bill 103 passes, if it does — in regard to the councillors you work with today on city council, as to those who

may choose to run for this new council, is there a willingness on their part to make this new council work?

Mr Maxwell: Mr Newman, I can't speak for them in that regard. We have been involved in a process of trying to ensure the bill doesn't pass and we will wait to see whether the bill does pass and in what form.

Mr Newman: How about yourself?

Mr Maxwell: If the new council is formed, we will have no choice but to try and make it work. If you're suggesting that a bunch of people would be elected and then try and frustrate the existence of that —

Mr Newman: No, I was just asking a question.

Mr Maxwell: — level of government, I think the answer is no. But what you have to understand is we will be in a difficult position. I expect and I think everyone in this room expects that after tonight we will have a mandate that we have to deal with as local politicians. The mandate will be to continue to oppose this legislation and try and ensure it's not adopted. I think it will require some discussion in our constituencies and among ourselves as to how we are going to proceed if the government doesn't respect the wishes of the people of Metro.

The Chair: Thank you, Mr Maxwell, for coming forward today to make your presentation.

MARK WINFIELD

The Chair: Mark Winfield, please.

Dr Mark Winfield: I'd like to thank the members of the standing committee on general government for the opportunity to address them on this important issue. I have lived in Toronto all of my life and am deeply concerned by the contents of Bill 103.

I hold a doctorate in political science from the University of Toronto and am currently director of research with the Canadian Institute for Environmental Law and Policy. However, I am appearing today in my capacity as a private citizen, having been born in North York, lived in East York and now currently being a resident of the city of Toronto.

I will not be proposing specific amendments to this bill, as I am opposed to its contents in principle. I take this position for the following six reasons:

The first is the legislation itself is deeply flawed. I would have expected legislation dealing with as complex an issue as the amalgamation of the seven municipalities making up Metropolitan Toronto into a single city would have provided a detailed structure for the transition process. Perhaps reflecting the haste with which this proposal has been moved forward, Bill 103 simply fails to do this.

Rather than providing a structure for the amalgamation process, the bill simply grants the minister, the trustees to be appointed by the minister and the transition team vast grants of authority to deal with transition issues and insulates the exercise of this authority from review by the courts. Not only is this wholly inadequate, it also constitutes an attack on the principles of democratic government and the rule of law.

Second, the proposal would reduce the representativeness, responsiveness and accountability of municipal government in Toronto. Bill 103 proposes to replace the

existing seven municipal councils with a single 44-member council. This will reduce the degree to which councillors can reflect the concerns of their constituents, due both to the much larger number of constituents they'll have to represent and the wider range of issues the single council will have to deal with.

Issues of concern at the neighbourhood level, in particular, are likely to be lost in the decision-making process of the new city. It will be difficult, if not impossible, to shape policies for the whole of the new city which address the concerns and character of local communities. Residents' access to their councillors will also be greatly diminished. This has major implications in terms of responsiveness and accountability.

Third is the issue of costs. The government has failed to present any evidence capable of withstanding rigorous analysis that the amalgamation of Toronto with existing municipal governments will result in cost savings. At the same time, serious questions must be raised about the extent of the transition costs associated with the creation of an amalgamated city.

These include the direct economic costs in terms of staff time, severance packages and the disposition of assets. Consideration must also be given to the costs of social and economic disruption, particularly if the integration of services does not take place efficiently.

There are also significant opportunity costs associated with this proposal in the sense that the resources required to deal with the transition might be better employed in other ways, such as capital maintenance on essential infrastructure and the provision of enhanced community, social or environmental services.

Fourth is the loss of opportunities for policy innovation and experimentation within Metropolitan Toronto. One of the most important aspects of the current federal structure of municipal government in Metro Toronto has been the opportunities it has provided for innovation in policy development and service implementation. The city of Toronto, for example, has been recognized as one of the leading centres of innovation in the delivery of public health programs in the world. Many ideas first developed by the city have been subsequently adopted by other municipalities in the federation, and indeed around the world.

The single-tier model proposed by the government in Bill 103, by contrast, will provide virtually no opportunities for small-scale innovation and experimentation in policy development and service delivery. This contrast between federal and unitary systems of government is widely recognized by scholars as one of the key advantages of the federal model.

Fifth, rationale: The government has failed to provide any clear rationale for its amalgamation proposal. It's been unable to present any persuasive evidence as to the nature of the failures of the existing system of municipal government in Metro Toronto, or how its amalgamation proposal would address these failings.

At the same time there is considerable evidence to support the contention that the existing structures have been highly successful. To the degree to which problems have been identified with the existing structures affecting Toronto, they deal with the question of the relationships

between governments in the whole of the greater Toronto area, particularly the need for the integration of large-scale services and to curb urban sprawl in the outer regions. Bill 103 does nothing to address these problems.

Sixth, the government, in my view, has no mandate to pursue this initiative. No reference was made to the possibility of the amalgamation of Metropolitan Toronto's constituent municipalities in the Progressive Conservative Party of Ontario's June 1995 election platform, the Common Sense Revolution. Consequently, the government has no mandate to pursue the fundamental restructuring of municipal government proposed in Bill 103.

In this context, the people of Metropolitan Toronto have a fundamental right to be heard on the issue of how they will be governed at the municipal level. This is an essential democratic principle. Furthermore, it is the residents of Metropolitan Toronto who will have to bear the economic, social and environmental costs of amalgamation. Their choices in this matter must be respected and I suspect their decision will be clear in the results of today's municipal referendums on the issue.

In conclusion, I am aware the members of the committee have likely heard many of these arguments from other witnesses. In that context, I would like to conclude by asking in particular the government members to consider that if you have not found these arguments to be persuasive, then what evidence, what kind of information, what kinds of facts, if they could be demonstrated to be true, would convince you that this proposal should not be implemented?

This is a critically important decision for the economic, social and environmental future of all Ontarians. It should only proceed on the basis of a clear rationale, substantiated through research and consultation and with the consent of the people who will be affected by it.

1600

Mr Colle: Thank you very much, Mr Winfield. The question has been asked, "Has there ever been an amalgamation of this magnitude done in recent history?" — I notice you've got a doctorate in political science — and we've been trying to find one. The only one we could find was New York and Chicago at the turn of the century. Have you found any other amalgamation of this magnitude in your readings?

Dr Winfield: No, there does not appear to be any evidence. There have been examples of amalgamations on a large scale in recent history, but none which point to it as being a successful outcome.

Mr Colle: But has there been any amalgamation on this scale, rather than whether they're cost-effective or not? I was just searching for one that might be a good benchmark.

Dr Winfield: Offhand, in Canada the one that is cited most often is the Halifax amalgamation. In terms of North America, I can't think of any others offhand. I must admit my expertise is not in municipal government, it's at the provincial and federal levels, but offhand I can't think of any examples.

Mr Colle: Halifax is about 300,000.

Dr Winfield: Yes, much smaller.

Mr Colle: So it's smaller than Etobicoke, basically.

Dr Winfield: Yes.

Mr Colle: Therefore, we're going into uncharted waters and this government hasn't done any risk assessment. There's no cost-benefit analysis. There's no impact analysis. What are we looking forward to then if they decide to bull ahead with this, no matter what these people say in the referendum?

Dr Winfield: There's no specific information but it's difficult to have any confidence in the notion of a positive outcome. What evidence exists suggests there will be serious problems both in the transition and in the end product, that it will be less responsive to local concerns, that costs may well increase. One of our points particularly is that this legislation just does not provide for any structure to deal even with this transition. It's just a blank slate of powers to the minister and the trustees. In my view, it reflects the degree to which this just has not been thought through properly. They just haven't thought about how this is going to work.

The Chair: Thank you very much, Mr Winfield, for coming forward and making your presentation this afternoon.

JIM CARR

The Chair: Would Jim Carr please come forward. Good afternoon, Mr Carr, and welcome to the committee.

Mr Jim Carr: Good afternoon. I should start by saying thank you to the committee for allowing me to speak. I am a resident of North York, specifically the Parkway Forest community. I'm very involved with other community things, as well as Neighbourhood Watch and community police liaison. I believe in community. I was born in Toronto, raised in Etobicoke and Woodbridge, and am living in North York at the moment. I've been all over the Toronto area.

I personally believe this amalgamation plan will be the biggest positive change that this government will have on our society in this generation. I believe it will bring about the rebirth of neighbourhoods, of community spirit. It will unite people with common goals and interests, and allow them to start working together towards a common cause, addressing their mutual concerns and desires.

There are many reasons for wanting to rid the Metro area of the waste and duplication that's been developing and growing over several decades, but none is more compelling than the direct savings that will result from eliminating an unnecessary level of government, coordinating similar efforts and departments, and the slightly less visible savings that will result from removing the multiple layers of bureaucracy that have been built up to support the extra layers and levels of government that we currently have.

I don't have enough of the financial details about downloading to make a well-informed decision on the matter, but I believe it can lead to positive changes. The more hands our tax money passes through, the less left to spend where it is needed: in the community where it was collected. The concept of keeping money close to home and spending it there is one we have lost through years and years of big government.

No one is going to be more fiscally responsible than the people paying out the tax dollars used to support the

infrastructure and social programs in their areas than the people who actually pay out those dollars, and no one is going to keep a closer eye on how and why it is spent than the community in which it was raised. If a community has special needs that must be addressed, it can decide how its resources are going to be allocated and not be at the mercy of someone who has no sense of the urgency, priority or importance a project may have to those citizens and residents. This is just another step towards a version of direct democracy and/or less government.

With a unified system of government, business can be allowed to flourish. Regions will not be competing with each other for which side of the road a new business should locate on and the playing field can begin to be levelled.

On this level playing field property taxes can be more fairly collected. A house is essentially a house. It is the quality of the neighbourhood that will dictate the value and ultimately set the rate of taxes to be paid, and the rates should not be subsidized on the backs of the business community in that area. It's time for us to bring business back to the downtown core or at least allow them a viable option to choose from, to do so if they so desire.

Finally, I think we should make Toronto a place in which all of us can live, work and shop at our local businesses, a place with united neighbourhoods and strong community bonds, a place that future generations will be proud of.

Mr Tony Martin (Sault Ste Marie): I find your support of this bill interesting, to say the least, given the number of people who have come forward and very eloquently expressed the exact opposite view.

I guess the part that challenges me the most — and I'm not from Toronto. I'm from Sault Ste Marie. I know that those of us from outside of Toronto who come to Toronto value a whole lot of what the people of this community have preserved over the years and one of those things is the essence of community that's here. It's not a dead place. It's not a place with empty buildings and all of that. When I talk to people, they tell me that doesn't just happen, that it's something a lot of people work at to preserve.

You're saying this new megacity that is being proposed would in fact enhance the further development of that sense of community. Would you mind expanding on that, how you think that will work, as opposed to what we have now?

Mr Carr: I believe what we're seeing is a lot of hype and panic over what will happen to my city, my town, if it's amalgamated into one Toronto. I think people will look inwards to their own communities, to their neighbourhoods and it'll be a chance for them to band together to find their common roots, their common bonds.

As you say, I've worked very hard in my area, the Parkway Forest community of North York, of Willowdale, to make it a better, stronger community and it is a lot of work. This is the type of thing that I think can, not force people but allow them to refocus and develop a sense of community.

Mr Martin: People in fact have done that. You've said you yourself —

Mr Carr: It's taken a lot of effort, a lot of work.

Mr Martin: But it has happened. There are those who point to other jurisdictions, other communities where that hasn't happened, where amalgamations of sorts have taken place.

I know myself when I go to a large American city, one of the things that hits me the most is that sense of not being safe, particularly at night in the downtown core. The sense of friendliness that you feel when you come to Toronto is not there in those larger entities. That doesn't happen by osmosis or simply because people will it; it happens because people work at it. In Toronto that's the case for those of us who come, as I said, from outside to Toronto. We feel safe and we feel a certain sense of friendliness. We know it is something that you and others have worked hard at engendering and making sure it is present.

Can you point to anything that might ease my concern about this new venture we're latching on to now, driven by the present government, that the friendliness and safety will be maintained? Big cities in other jurisdictions have not been able to keep that once they got into the kind of development that has happened in those areas.

1610

Mr Carr: What we're looking at is essentially a paper change. The boundaries drop, the signs change, and instead of living in North York, I change my address to Toronto. My street address stays the same, everything else stays the same, my postal code stays the same. But I live in a community. If the sense of the greater Toronto area identity is lost when you're living within the Toronto area — as soon as you get north of Barrie, for example, 60 or 70 miles away from the Metro area, you usually refer to the place you live as Toronto; maybe it's 100 miles, but whatever that distance may be.

With the Toronto umbrella, all of a sudden we have people looking inwards to "Where do I live?" I keep running into so many people in Don Mills, in my part of North York, in Willowdale, who come from Leaside. They have such strong roots that come from Leaside; it's such a strong community. It doesn't matter whether it's in East York or Toronto, it's still going to be Leaside. It's still going to have the neighbourhood characteristics of Leaside. I believe these external changes will allow people, as I said before, to refocus on: "Where do I live? I live in a community. What can I do to make that community a little bit better?" The bonds will be strengthened.

The Chair: Thank you very much, Mr Carr, for coming forward and making your presentation today.

REENA LAZAR

The Chair: Would Reena Lazar please come forward? Good afternoon and welcome to the committee. You have 10 minutes to make your presentation.

Ms Reena Lazar: Good afternoon. Tonight we'll find out whether the majority of voters in Metro Toronto favour amalgamation. Contrary to this government's inferences that what is happening in Metro Toronto is not a real and proper referendum, I hope to convince you today that this referendum is 100% consistent with the

stated intentions of this government to support direct democracy. I urge this government to honour the results of tonight's referendum and, if the outcome is negative, to withdraw Bill 103.

When I found out that I had the opportunity to speak in front of this committee, I was hoping I could come up with a new argument that was so rational and straightforward that this government would finally see how flawed Bill 103 is. But the problem is that thousands of rational, logical and, in my opinion, commonsense arguments have already been presented to this government. To summarize and re-emphasize them didn't seem like an effective strategy on this third-to-last day of this public hearing process. Instead, I'd like to use my opportunity today to convince this government to listen to the voices of all the people in Metro Toronto.

We all understand the difference between representative and direct democracy. A feature article in the Christmas issue of the well-respected Economist magazine explained that the starting point of democracy is the belief that every sane adult is entitled to an equal say in the conduct of public affairs. It goes on to say that there's therefore something odd in the fact that in most democracies this voice is heard only once every few years, in elections. Between elections, parliamentarians do all the deciding, while the rest of the democracy is expected to stand more or less quietly on the side. This, they conclude, is part-time democracy.

In direct democracy, elected representatives are not left to their own devices in the periods between elections. The rest of the people can at any time call them to order by cancelling some decision of the representatives with which most of the people do not agree. The machinery by which this is done is the referendum.

In a letter by the parliamentary assistant to Mike Harris, written on January 24, Mr Clement affirmed the government's commitment to support direct democracy in Ontario. According to the letter, Mike Harris was determined to bring the same kind of reforms to government as he did to the way his party operates. As he said in the Ontario Legislature five years ago, "Leadership and reflecting the will of the people must go hand in hand."

According to Mr Clement's letter, it's already possible for the provincial government to submit an issue to a referendum and consider the results to be binding. The government intends to bring in legislation this year which will enable citizen-initiated, legally binding referendums as well. In fact, it has already distributed a white paper on its intentions. The government believes that binding government- or citizen-initiated referendums are legitimate policymaking tools and is committed to making them a vital part of the process in Ontario. Why then are we hearing that this government is not planning to honour tonight's referendum outcome?

The first reason it gives is that the referendum is not citizen-initiated. Let me please remind you that there's not yet a system in place to have a binding citizen-led referendum. After all, the referendum in Hamilton-Wentworth was citizen-initiated, but the provincial government calls that one illegitimate as well.

Mr Clement's letter goes on to point out what the provincial government sees as flaws in the way the

referendum is being managed. It says the referendum is led by six mayors who stand to lose their positions in a unified city. What it does not mention are the six elected councils and thousands of citizens who have also been leading this referendum.

I'm the president of the Ward 4 Residents for Democracy. In our ward alone, there are approximately 120 people taking time away from their families, above and beyond their full-time jobs and school, to volunteer their time to work on this referendum. They, and I, are deeply concerned about the impact amalgamation will have on our services, way of life and our communities.

We are concerned about how quickly this government is proposing to merge seven distinct and elected governments that serve 2.3 million people. We feel uneasy that this government chose not to implement the major recommendations of the Golden and Crombie reports and is so far ignoring advice from internationally acclaimed experts like Jane Jacobs, to name just one.

But most important, we are resentful that we have not been asked by the provincial government to take part in this debate in a meaningful way. This referendum is our desperate attempt to create a real debate and to insert ourselves into it.

The letter from Mr Clement goes on to say that inconsistencies from one area to another in determining who can vote and the hodgepodge of voting methods in use call into question the legitimacy of the process.

The Municipal Elections Act, 1996, states that municipalities may choose alternative election methods, a feature highlighted as a major positive innovation by the Who Does What panel and by Minister Al Leach. The Municipal Elections Act could not be more clear about voter qualifications, and public information campaigns of the various cities repeat these qualifications in many formats and media.

Mr Clement's letter also says that none of the necessary safeguards is in place to ensure that the question is fair, the process is open or the result democratic. I strongly disagree, as all the cities in Metro Toronto, except Scarborough, are conducting their voting process in strict accordance with the procedures in the Municipal Elections Act, 1996. They are following methods that were determined by provincial legislators, including some committee members, I presume, who are sitting in this room.

I'd also like to point out that even though the Municipal Elections Act, 1996, does not make provisions for municipalities to conduct so-called referendums or plebiscites, it does allow the municipalities to put questions forward to the electors. It even allows the Minister of Municipal Affairs to submit a question to the electors of a particular municipality, and according to the act, the councils are required to abide by the results.

There are only two systems in place at this moment for the citizens of Metro Toronto to respond to Bill 103 in a directly democratic way: One is through a municipality-run by-election, and the other is through a provincial government-led referendum.

When asked why this provincial government has not held its own referendum on a unified Toronto, the answer is that referendums are suited to yes or no answers and

that despite years of debate on what to do, no clear consensus has emerged.

This government claims that listing a number of alternative suggestions would only complicate the matter and confuse people. I say that if no clear consensus has emerged, I agree with Mayor Hall that we should slow down and get it right. I also say that tonight's results will be the closest thing yet to a sense of consensus. If this government is still not convinced, then perhaps it is time it initiated its own referendum.

Finally, I want to remind this committee that during election campaigns, citizens are asked a multitude of questions. Some are local, some province-wide, some personality-related. The election of a particular party to power, we all agree, is only a first step. The next day, discussions begin on individual policies and actions. Then the citizens try to clarify their precise opinions issue by issue. It should be a slow and complex process.

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The Common Sense Revolution's objectives to reduce government, eliminate duplication, cut costs and strengthen municipalities does not automatically give this government the right to reduce the number of local elected officials and amalgamate six municipalities into one. For this government to make that conclusion without the consent of the people would not only be deceptive to those who elected them, but it would also be breaking their commitment to direct democracy.

This government is telling us that a referendum is a very special thing and that a referendum refers to public participation in a voting process on a particular question where the outcome is binding. Seeing as how this government has not yet enacted legislation to ensure a fair and open referendum process led by citizens and is not willing to lead one themselves, this Metro-wide process is the only option the majority of the people in Metro Toronto have in getting their voices heard.

This referendum is, in my opinion, by far the most directly democratic process to be administered on Bill 103. It would be hypocritical of this provincial government, which says its party "doesn't take a back seat to anyone when it comes to promoting direct democracy," not to abide by it.

I urge this government to honour the results of tonight's referendum and, if the outcome is negative, to withdraw Bill 103.

Mr Hastings: Thank you for coming in. Can you clarify in the top paragraph of page 3 whether you are a tenant or a homeowner?

Ms Lazar: I'm a tenant.

Mr Hastings: Have you read anything about the proposed assessment reform?

Ms Lazar: Are you talking about tax?

Mr Hastings: Yes, property tax assessment reform.

Ms Lazar: Yes, I've read a little bit about it.

Mr Hastings: Since you're a tenant, do you appreciate that there are specific provisions within the legislation that would have a positive impact on what tenants are paying in their rent as a portion of taxes?

Ms Lazar: I don't know that I can answer this question because I don't know enough about it. I also feel that my arguments today don't really relate — you're

asking personally as a tenant if I'm aware that my rent might decrease or something? Is that what you're asking me?

Mr Hastings: Yes, there is that possibility.

Ms Lazar: Whether they do or they do not, I don't care either way. What I'm concerned about is much bigger than my rent.

The Chair: Thank you very much for coming forward today and making your presentation to the committee.

BAIN APARTMENTS HOUSING COOPERATIVE

The Chair: Would John Sharkey please come forward? Good afternoon and welcome to the committee. You have 10 minutes today to make a presentation.

Mr John Sharkey: Thank you for providing me with the opportunity to address the committee on the issue of Bill 103. I am speaking to you today as president of the Bain Apartments Housing Co-operative Inc, a community of 500 adults and children in the Riverdale area of the city of Toronto.

I am speaking against Bill 103 for three reasons: the negative effects on the democratic process; the increased administrative costs of a larger municipal structure; and the effects on my community of the proposed downloading of essential social services and housing to the municipal government.

By way of beginning, I'd like to take a few moments to describe the community I represent.

Our historic property was built in the early part of this century by the Toronto Housing Authority. It was one of Canada's first publicly supported housing projects for low- and middle-income working people. By the late 1960s, after passing through the hands of several private owners, the property was becoming quite rundown. In the mid-1970s the residents, with the help of city politicians and the CMHC, purchased the property and turned it into one of the first cooperative housing projects in the city. I am particularly proud of the fact that the Bain co-op continues to provide safe, affordable housing to Canadians, in the tradition of the founders of the property.

As a federally created housing cooperative, the Bain is a non-equity cooperative run by its members. The residents' council, our board of directors, is elected by the membership at an annual general meeting. All major decisions regarding policies and bylaws, large contracts, our annual budget of over \$2.4 million etc, are debated and approved at regular community meetings held throughout the year. Close to a dozen volunteer committees, elected by the membership, administer various aspects of the co-op, from the finances to the property to our pets. With our annual street festival, the oldest in the city of Toronto, our Christmas craft fair, youth job creation projects and other community events, we make a important contribution to the overall wellbeing of the Riverdale neighbourhood of which we are a part. In many respects, we are a small municipality — a village within the city.

As you can probably tell, we are thoroughly committed to the democratic process. One of the founding principles of the co-op housing sector is that each member has a vote and, as well as rights of tenure, each member has a

responsibility to engage in the decision-making process of the community. Democracy in my community is not restricted to a secret ballot every few years but is an ongoing, almost daily process. The community supports this process because the decisions we make have an immediate and direct effect on how we live and relate to each other.

Members of the Bain co-op cherish democratic principles. We are convinced that a reduction in the number of municipal governments and a dramatic reduction in the number of municipal councillors will result in reduced access to local politicians and reduced services. This will lead to a decrease in the participation of citizens in the democratic process and an increase in disinterest and alienation about matters of vital interest in our lives.

We do not have faith that the three-line section 5 of the act that creates the volunteer neighbourhood committees will fill the gap left by dismantling the present system. We are also not convinced that amalgamation will produce the cost savings claimed by the government. The experience of large Canadian and American cities that have amalgamated suggests that administrative costs go up, not down. Contrary to received wisdom, above a certain size, large municipal administrations cost more to operate than a group of smaller municipalities. Large municipalities are also more bureaucratic and certainly more distant from their citizens.

The third reason we are opposed to Bill 103 is the proposed downloading of essential services that we believe are integral to the introduction of this legislation.

The Bain co-op provides affordable housing for people with low and moderate incomes; 50% of our apartments qualify for a rent-geared-to-income subsidy funded equally by the federal and provincial governments. Many of our members survive on various kinds of social assistance, fixed pensions and low-incomes wages.

My community is the first to suffer the effects of recessions and of cutbacks in social assistance. The 22% cutback to social assistance implemented by this provincial government is causing considerable hardship to people, particularly women and children, throughout my community. People who have very little money live particularly stress-filled lives. Their stress is being exacerbated by the current climate of uncertainty. Many are waiting for the other shoe to drop, expecting that housing subsidies will be cut or discontinued, that further cuts to social welfare will be made and fearing that the co-op could go bankrupt if the downloading goes through and our property taxes are forced to go up. Quite frankly, we are experiencing the agenda of the provincial government as a war on the poor and on the disadvantaged.

To sum up, our community is against the imposition of Bill 103 because we believe it will curtail the democratic process and will not be cost-efficient. We are also convinced that the proposed downloading will lead to further hardship through a decrease in essential services and increased taxes.

In closing, I would urge members of the government to take seriously the results of the various referenda that are ending today. The insulting and high-handed manner which the leading members of the government have shown towards the democratic process is deeply offensive

to many people. There is an opportunity here to regain some credibility by responding to the legitimate concerns of many concerned citizens of all political persuasions.

Thank you for listening to me today and thank you for providing me with the opportunity to exercise my right and responsibility to engage in the democratic process.

Mr Colle: Thank you, Mr Sharkey. I appreciate your pointing out another part of the fabric which makes our cities in Metro working cities, cities that accomplish a great deal. The co-ops we have throughout Metro are certainly an integral part, and I appreciate your coming forward to remind us of that.

An interesting thing that caught my ear was that you said there was a three-line reference to neighbourhood committees in the legislation. It does bring to light the fact that in all this talk about Bill 103 and all the pages in it and all the references to it and all the jargon, and despite all the lip-service the government gives to neighbourhoods being strengthened, all they can afford is three lines, sort of as a throw-in, to the establishment of these neighbourhood committees by bylaw after the fact. I wonder if you'd like to comment on the possibilities of neighbourhoods and this legislation, considering the short shrift they've been given by the legislation itself.

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Mr Sharkey: I was very impressed by that fact, that it was so short. Given the weight that a lot of people had placed on the neighbourhood committees, I was expecting there would be a larger section in the bill when I read it. I was quite shocked to see there were only three lines. I expected it, as I say, to be much more, considering the roles of the trustees, which was a page etc. It was quite shocking. Admittedly, it would be up to the new megacity to determine what those committees would be. It's difficult to speculate what that might be. But what is the intent, to try to recreate the cities on a smaller local level? It's just very vague.

Mr Colle: In fact, as you can see in the legislation, it's page after page about the powers of the trustees.

Mr Sharkey: Yes, exactly.

Mr Colle: Page after page about the powers of the transition team, powers that are above the law. Neighbourhoods, what about their powers, what about their jurisdiction, what about their influence, what about their part in the overall megacity? One reference, three lines. I think you really pointed out a real contradiction in the whole spin the government's been giving about how it feels neighbourhoods are important, and I thank you for bringing that to my attention.

The Vice-Chair: Thank you very much, Mr Sharkey, for being here today with us.

BETH KAPUSTA

The Vice-Chair: I'd like to call on Beth Kapusta. Good afternoon and welcome to the standing committee.

Ms Beth Kapusta: Thank you very much. My name is Beth Kapusta. As a citizen, as a member of the architectural community and as one of the editors of a national publication on architecture and urbanism, I am deeply distressed at the speed and lack of consideration with which this bill was tabled and its potentially devastating effect on the city that I make my home.

The process by which amalgamation was proposed was inherently anti-democratic. No attempt has been made to consult the citizens who would be directly affected. The provincial government has continued to display contempt for its citizenship through its actions, including its attempts to appease Torontonians with anonymous faxes, its deceptive propaganda campaigns and its attempts to place the responsibility for municipalities into the hands of appointed, not elected, trustees. The government should be ashamed of such behaviour.

Mr Leach has bombarded our city with the bombs of amalgamation, downloading of social services, educational reform and taxation changes in order to, and I quote from Mr Leach, "scramble the opposition." With all due respect, we are not the opposition; we are the citizens. To create a massive constituency of confusion and anger simply in order to appear to solve it will not win many friends in this city. As citizens, the only restructuring we have approved is the abolition of Metro, for which we voted in a majority of 58%. The government has no mandate to create a megacity, and if it disregards the results of today's referendum, as it has promised to do on numerous occasions, it will once again be in flagrant violation of democratic process.

As someone trained as an architect, I am deeply concerned for the health of my city. Like many of my contemporaries, I was raised on the wise words of Jane Jacobs, who has pointed out that innovation does not happen under large, unwieldy, uncompetitive government structures. Another great urban theorist, Lewis Mumford, has also observed that it is difficult to have a responsible and creative local government with more than 30,000 people. At a time when considerable creativity is required to resolve the complex problems of ecology related to the growth of cities, it's hardly the time to change to a form of government that is not attuned to the specifics of local conditions.

At a recent gathering of an organization called Architects for Urban Values, which is an organization that I was partially responsible for founding, a renowned Toronto structural engineer by the name of Morden Yolles presented what he viewed as an alternative model to the model that we've been bombarded with in the media of Mike Harris somehow working out the short-circuited system of government that now governs our city. But Morden's model basically said that instead of rationalizing systems rife with redundancy, he maintains that the government is proposing to pull the columns of civility out from under the city, leaving it to stand on one big column, and in the view of a structural engineer, a structure on one column is doomed to collapse. To undertake such a major restructuring without sufficient study and due consideration is simply not rational.

I'm not personally convinced that any of the pressing problems of local government are going to be solved by creating a megacity. In fact, I would be more inclined to say that we're attempting to solve problems that largely don't exist. For architects, the bigger problems of urban sprawl and the health of the urban core are issues that will be made very much worse by the megacity, not improved. Amalgamation goes against the spirit of urbanity that makes Toronto such a great and livable city.

Amalgamation also flies in the face of contemporary business wisdom. More and more companies are realizing that small, manageable and accountable groups are necessary to remain competitive. The possibility of receiving competitive bids in a megacity is much reduced, and the level of service that people are quite happy paying for now will be seriously diminished.

As an editor and someone who writes regularly on issues about the city for a national magazine on architecture, it concerns me deeply that the city is seen as some sort of new Gomorrah. It is as if we are being punished by the province for our prosperity and health. A city is fundamentally different than a suburb or a town. It is a fatal oversimplification to assume that one can apply the same structure of government to all places. As urbanites, why should we be subjected to a level of local representation that is much lower than that of our rural counterparts?

The argument that six fire departments are less efficient than one big fire department, that only really makes sense until you actually have a fire. By amalgamation logic, why would we, then, not have fire departments administered at the provincial level? We've got to be very concerned about the common sense of issues of scale that we're being fed here. Sometimes bigger is just not necessarily better.

There's a point of diminishing return at which no level of government will address fundamentally local issues under the megacity reforms. Community groups will not move in to fill this function because they will have neither the funding nor the legislated power to act.

No one is denying that there is a need for change, but change must happen in a reasoned and considered way and with the input of experts. There's no shortage of expert opinion that has passed comment on the follies of creating a megacity, even commissions associated with this very Conservative government, such as the Crombie commission, counsel against it. The Golden report also provided further insights into useful models for restructuring, recommendations that have largely been ignored.

Instead of looking at the city as a complex organism, the government has chosen to see this issue only in terms of one highly contested economic statement. Even KPMG's own authors would not say that the financial benefits could be guaranteed, and would only be realized through more efficient management not necessarily brought about by the efficiencies of size.

Furthermore, the cities of Metro aren't particularly wasteful as financial entities. We all have adequate reserves, we run without deficits and we provide local service that is acceptable and desirable to most citizens. We don't want another big government, one that governs more people than any other provincial government except Quebec.

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My final objection surrounds the propaganda that has come from the province regarding the megacity and the other attendant mega-bombs that have been dropped on us in the last few months. Instead of providing us with information, we are barraged with false platitudes and feel-good messages. Mr Harris's promise of a system that will "work smarter" is not just condescending, it's gram-

matically incorrect. This government should slow down, go back and do its homework before it turns our city into a mega-mess that serves nothing more than myopic political interests.

An individual's concern for their neighbourhood is still the fundamental building block of the democratic process. Small government is better suited to consider and act upon these micro-concerns than a megacity structure. My fear is that this loss of contact between individuals and the instruments of democracy will result in the gradual decline of the city as a collection of livable neighbourhoods. Members of the committee, I beseech you to reconsider this hasty and potentially devastating legislation.

Mr Martin: I really enjoyed your presentation, and you certainly make reference to, in my experience, what makes Toronto special: liveable neighbourhoods, communities, and your piece, then, obviously from a professional standpoint, the architecture. I know that's another of the reasons that a lot of us from outside of Toronto come to visit Toronto, and we want that preserved too because it's valuable to us.

The argument is made that if we don't have local government that's sensitive to some of that kind of thing, it won't happen, it won't be preserved, we'll lose it. Can you help me make the connection?

Ms Kapusta: Local government represents a lot of urban issues. There are issues of density and of scale and of appropriate building that may apply in the downtown core of Toronto that don't necessarily apply in the suburbs in Scarborough. There are also issues of taxation, which are another ball of wax, but I think that in terms of maintaining the health of the urban core, there's a great deal of concern that megacity amalgamation paves the way for market value assessment — actual value assessment, as it's being called now — which privileges suburban development over urban development.

The Vice-Chair: I'm sorry, we've gone past time. Thank you very much for coming here today.

MICHAEL KOHN

The Vice-Chair: Is Michael Kohn here? Would you come forward, please? Good afternoon and welcome to the standing committee.

Mr Michael Kohn: Dear members of the committee, my name is Michael Kohn. I would like to take this opportunity to explain why I believe Bill 103 and related legislation will be destructive to Toronto and neighbouring municipalities and will ultimately fail to fulfil the promise of greater efficiency at lower cost.

First, the plan to offload areas of provincial concern such as welfare on to the municipalities will disproportionately burden an amalgamated Toronto. As you well know, Toronto is the largest city in the country. The Toronto area attracts those who are seeking employment from across Ontario and indeed all over Canada. Those who fail to find sufficient work in our tight job market often come to depend on welfare. Thus, our city ends up with a higher-than-average number of recipients of social assistance. For Toronto, the passage of Bill 103 and the downloading of welfare on to the municipal level of government will no doubt contribute to significant

increases in property taxes. Consequently, many residents and businesses may be forced to vacate the city.

Above all, this will create a very divisive atmosphere within Ontario at the very time our nation is struggling to hold itself together. Those municipalities whose welfare costs are lower than their education costs will welcome the Harris government's plan to swap the provincial responsibility of welfare for the municipal responsibility of education, while larger cities such as Toronto will come to resent it.

In my opinion, such resentment would be quite understandable. Many people commute to work in Toronto from Oshawa, Barrie and Guelph, among other places. They use our municipal services and infrastructure on a daily basis, they earn their living here, and as much as they generate wealth, they also generate expenses. Under these circumstances, it would seem quite unfair if Toronto were forced to supply a disproportionately high share of welfare costs for the large numbers of insufficiently employed people who have settled here from other communities in Ontario, while their communities of origin benefit from decreased property taxes. Perhaps Toronto would be forced to adopt a minimum-term residency requirement similar to the one imposed in British Columbia after the Harris government's 22.5% cut to welfare benefits resulted in an exodus of impoverished Ontarians to that province. Perhaps Thunder Bay, London and Hamilton, other sizable cities that draw job-seekers from beyond their boundaries, would be forced to do the same.

In effect, the passage of Bill 103 and the downloading of welfare, a responsibility that for good reason has traditionally been provincial, could turn Ontario into a fractured province of feuding neo-feudal regions and city-states. This is hardly an appropriate path to be taking when the unity of Canada at large is in question.

Of course, this would be all the more damaging if Bill 103 and associated legislation failed to deliver, as promised, more efficiency at less cost and greater prosperity. The Harris government has been making such promises, especially in its advertising campaigns, on the notion that government can and should be run like a business. I will reserve my opinion on this philosophy for last.

In the meantime, I would like to test the idea that business, and by extension government, can achieve greater prosperity and eliminate inefficiencies and unnecessary expenses by reducing the input of those who work for them at the local level.

I have been involved in the reforestation industry for 11 years. Last spring, I planted my millionth tree. I can tell you from experience that successful forestry service companies leave much of the decision-making to their field staff, those who are closest to the problems and challenges that arise in administering silviculture contracts in remote wilderness sites.

To give an example, several years ago, my crew was working on a contract in Kapuskasing. The wet terrain and rainy weather were making it extremely difficult to deliver trees over land to the planters. Bob, our crew supervisor, wanted to rent a helicopter and pilot for the tree delivery, but head office refused. Their bottom line was that it would be far cheaper to rent a muskeg carrier

than a helicopter, which costs \$600 to \$700 per hour. So we settled for the muskeg carrier and promptly sank it in the swamp. Next, we rented a skidder. Unfortunately, the skidder also sank. Fed up, Bob finally rebelled. He hired a helicopter pilot and we moved 80,000 trees in two and a half hours. For the first time in the five years that we had been working in Kapuskasing, we completed the spring contract a week before the deadline, instead of a week late, and turned a healthy profit. Our early finish also enabled us to beat a competing firm to the next job.

The point of my analogy is this: If a government is to be run as efficiently and economically as a business, then it needs more local input, not less. First, the front-line workers and local representatives of an organization, be it public or private, are bound to be more intimately familiar with its problems, inefficiencies and waste than those attempting to run the show from a distant office. The opinions of these local experts should be sought and heeded, not scorned and ignored.

Second, an organization whose head office is so overly concerned with the bottom line that it mistakes a wise investment for an unnecessary expenditure is more likely to bleed extra red ink than work like a well-oiled machine.

Highway 407 is a case in point. To the provincial government it may have seemed more cost-effective to eliminate such features as medians from the highway's design, but as the Ontario Provincial Police noted, such corner-cutting compromises road safety and leads to higher accident rates. By extension, higher accident rates lead to higher costs, increased insurance payouts, a greater need for police, fire, ambulance and hospital services, and worst of all, the human costs of injury and death. Had the OPP, an authority closer to and thus more familiar with our roads, been consulted during the final planning stages for the highway, it would have opened on schedule and the citizens of Ontario would have been spared any costs associated with the delay.

1650

Here lies the greatest problem of Bill 103: It reduces local representation and public access to it to such an extent that it is hard to imagine that the government of an amalgamated Toronto can be responsive to localized problems and needs as effectively and efficiently as the governments currently in place. Despite some of their inefficiencies, the governments of Metro Toronto have helped to make our city the envy of the world. I am confident that they are more capable of reducing any unnecessary duplication of services without severely damaging Toronto than an amalgamated government whose every decision may be vetoed by an unrepresentative and unaccountable appointed board of trustees ever could be.

In closing, I would like to remind the committee that although government can to some extent be run as efficiently and economically as healthy businesses are, there is at least one vital difference between public administration and the private sector: Businesses are obsessed with maximizing the profits of their shareholders whereas governments are non-profit organizations that should be concerned with maximizing the prosperity of our society as a whole. Good governance is not based

on the monopolization of a province's or a nation's agenda by any one interest, but rather on the judicious balancing of a broad spectrum of interests in such a manner that all members of our society stand to benefit.

Canada's federal and provincial governments have for too long allowed the interests of big corporations to monopolize the public agenda. Despite all the measures we have taken to reduce government deficits and the record profits our banks and export industries have been making recently, well-paying jobs have not returned to this land. In fact, every time increases in North American unemployment rates are reported by statisticians, the stock markets soar to new heights.

Canadians will not tolerate such profiteering at the expense of their long-term survival for much longer. Before this or any other government asks us to sacrifice yet more of the services and infrastructures that have traditionally made our quality of life distinctly Canadian, it had better call the private sector and its economists to task for not delivering the greater prosperity and increased employment they have repeatedly promised in exchange for massive public spending cuts. Clearly, higher employment and better incomes are required to make Canada the healthy, prosperous and vibrant democracy it has been in the past. The demand for such change starts at the local level. Thank you.

Mr Gilchrist: Thank you, Mr Kohn. I appreciate your coming before us here today. Let me just pick up on one point that you made in your presentation. You said you were confident that they — "they" being the existing politicians and presumably their spokespersons, the mayors — are more capable of moving the city forward than one amalgamated government would be. How can you reconcile that with the fact that here we sit 28 months into their 36-month term and they haven't taken even the smallest step to consolidate services?

Last night on CITY-TV, as part of a panel discussion, the mayors admitted that the only reason they moved at all to prepare a report called Change for the Better last fall was because the province had announced it was bringing forward a bill. When the mayors themselves say there is \$240 million that could be saved today by consolidating services, why would you believe they should be trusted to take another year or five years or 10 years to come to the conclusion that they've already said, that the dollars are there and they haven't found them yet?

Mr Kohn: I think any significant change to streamline services between municipalities takes time. I don't think it can be done overnight without the proper studies —

Mr Gilchrist: Excuse me. The mayors in their report said that the time to do it was right now. No further delay.

The Chair: Sorry, Mr Gilchrist, but you only had time for a quick question there and it was a little longer than quick. Thank you very much, Mr Kohn, for coming forward and making your presentation today.

BLAIR WILLIAMS

The Chair: Would Blair Williams please come forward. Good afternoon, Mr Williams, and welcome to the committee.

Mr Blair Williams: If there's one word that sums up the debate about Bill 103 it might be "adversarial." There's no question that the issue has raised the passions of both those in favour and those against the idea of amalgamation. The fervour stems in part from the growing feeling of those opposed to the bill that this issue is not so much a question of political differences as of ideology. We all agree that we're in a financial crisis, but we're seeing more adversity than we have in this province for years because the response to that crisis is in danger of destroying the very society we share.

In your response to this crisis, the government is showing a frightening lack of imagination, and so of responsibility. You're telling us that these ongoing cuts to the province's public infrastructure, and more specifically the creation of the megacity of Toronto, are to save money by eliminating the inefficiencies of Ontario's public, democratic system. Let us recognize that to do so is nothing less than to eliminate democracy itself.

In cutting the funds the government spends on public libraries, hospitals, schools, universities, housing, broadcasting and the arts, indeed governing itself, we are literally privatizing our world. The public is in very great danger of becoming "them," while those who either operate or can afford to patronize the private world become "us."

Government subsidies, that is, public participation and support, are meant to ensure everyone equal access and opportunity. Public funding of the arts, television and radio provide the public a voice, a voice society needs to communicate with itself without the ultimately selfish, profit-driven motives of private enterprise. A true democracy encourages this. In fact democracy was invented to ensure this, that we have a collective voice in the affairs of society and that we have equal access to the benefits it provides.

The programs currently under siege and the political vision they embody are not what we can no longer afford. What we can no longer afford is a government that kowtows to that biggest of special interest groups: the market. What we can no longer afford is taxation without representation, the currency being our potential as a society and the cost being incalculable.

In this mad rush towards what you are calling fiscal responsibility, as we are told the government is getting out of the housing business, that public education will be funded by partnerships with business, that health care must be privatized to save the system, that corporate sponsorship is the best way to fund the arts, that fewer elected representatives will save the taxpayer money, you must remember that as the government withdraws from the public sector, it is inevitable that the public will be excised from the government, though I begin to believe you know this and in fact have that in your sights as a goal.

With the passage of Bill 26, this government has literally changed the law to allow it to do what it is doing with no debate.

To have this government tell us that our concerns will be ignored, that our protests will go unheeded, that the will of the people is of no consequence is to be literally told that the democratic process is irrelevant to this

government. I'm sure you've heard this many times during these depositions, but it is a point well worth repeating: The democratic process by its very definition is inefficient. It requires debate, discussion and doubt. It cannot be sure. It cannot present an inevitable crisis that dictates only one response. In a democracy, nothing is inevitable.

This is, in the end, an imagined world. What comes into being — our social order, our financial system, our systems of governance, the world as it is — is the result of thought, planning, imagination and dreams. But having created it, we cannot be its servant. The world is too small to pursue any longer the dream of profit at any cost. The world is too small to cater any longer to the financial addiction that now governs it. The world is too small to escape the brutalization and barbarism that comes with unfettered, unregulated and irresponsible self-interest.

We are not helpless in the face of the global economy, nor should we be victims of it. It's time now to pursue an economy of the imagination. It's time to define profit and expense in other terms.

1700

If our job on earth, our time here is to find out who we are, to actually discover who we are as individuals and then to explore our collective potential, then the public has a responsibility to ensure that everyone who shares its society has equal access to his or her potential. How else can a society grow?

You, Mr Gilchrist, Mr Harris, Mr Leach, Ms Ecker, Mr Johnson, Mr Eves and the rest of the jackals that are tearing at the not-yet-dead body of public potential, were elected to represent that responsibility, the responsibility of the public to itself. Surely we can't be told that it's asking too much of you to know yourselves, to consider your actions, to represent the greater good, which is all we're doing when we say, "Excuse me, we doubt...." To hear Mike Harris say in the Legislature the other week: "How dare you question this government? How dare you?" was highly disconcerting.

Yes, our governments and our cities and our society need to reorganize, but we will have to reorganize ourselves in a system that works honestly in the public good rather than self-interest. That may require lots of people working for the public. It may require watchdogs and concerned parties ensuring that there is day care for single mothers and health care is available to everyone, and bodies that seek to prevent crime rather than merely punish it. We need to ensure that there are the public checks and balances that maintain a civil society.

This means there should be more access to smaller government rather than less access to larger government. Six municipal governments do not make big government, and one large government does not make smaller government. Amalgamating power does not create a smaller, more accessible government; it creates a large, inaccessible one. The idea that fewer politicians means smaller government is just as specious. Removing representatives from a representative democracy to save money is absurd.

This is only the reiteration of an idea that is thousands of years old: that humanity's collective potential should be respected, and being invaluable, should never be

wasted for what amounts to official, institutionalized avarice. As long as we worry that everything costs money, money will cost us everything.

There is an economic war being waged against the public of this province and it is as deadly as any conventional war. Public potential, democracy and freedom itself are its casualties. To think that the changes that are being imposed upon us will have no consequence is to ignore history and invite disaster.

In pursuing so aggressively a program of political and social restructuring that imposes often unbearable economic hardships on the least able to cope, and by refusing your obligation to govern in the best interests of those least able to fend for themselves, by ignoring your responsibility to take the will of the people to the government rather than the will of the government to the people, you have lost the moral authority that peace, order and good government require. You should resign.

The Chair: We have about a minute for questions.

Applause.

The Chair: We're losing that minute for questions as we go on. You have 30 seconds, Mr Colle.

Mr Colle: Thank you very much, Mr Williams. Again, a superb presentation, as a lot of them have been. I continue to be impressed with the quality of the intelligence that we have in this province.

Richard Tindal, in that very left-wing magazine called *Municipal World*, I think echoes your sentiments. Let me quote from him. His reference is about democracy and what he basically concludes about democracy is that it is imperfect, it isn't always efficient, but it's the best darn thing we have.

Mr Williams: Winston Churchill said it as well, and great minds think alike. Not to say that I'm a great mind.

The Chair: Thank you very much, Mr Williams, for coming forward.

JOSEPH McALLISTER

The Chair: Would Mr McAllister and Mr Oleson please come forward. Welcome, gentlemen.

Mr Joseph McAllister: What I'm doing is I'm ceding part of my time to Mr David Oleson. He's the chair of the Toronto Society of Architects. As so many people who are concerned about this issue have not been allowed to talk to their members or talk to this committee because of the way this thing is being pushed through, I want to give him a little bit of my time, because there are so many people who need to have their voices heard.

I think you've got a copy of my presentation but I'm just going to go through a small part of it before I give over the time to Mr Oleson.

I want to tell you about the reactions I received from some of my neighbours when I canvassed them to get out the vote for the referendum, which we will hear the results of tonight.

I live in the Bloor-Dufferin area. It's an area of hardworking families where both mom and dad have to work to make ends meet. It's an established neighbourhood, with Portuguese and Italian families and now a sprinkling of other nationalities. It's representative of Metro Toronto as a whole, yet I met no one who was

willing to say she or he supported the Tory plan. I met no one who thought there was any saving to be made by amalgamation, no one who said amalgamation was acceptable if it meant there would be a tax cut. People were more concerned about the quality of their daily lives and the quality of their children's lives than they were about the money when it came to this issue, and these are people who can't help but worry about money.

There's Maria, my next door neighbour, who said she accepted living in a small house downtown because it was convenient for her and her husband to get to work. But, she said, if it meant a huge tax increase and worse services, she might as well follow her friends and move to a big house in Mississauga.

Frank, a retired man down the street, wants his daughter to take over his house when she gets married this summer. But she's too scared about what is happening in downtown Toronto, so she and her fiancé are looking for a place in York region or even further north. Frank wonders what he will do when his family moves so far away.

There's Diane, the high school student, who I think is eligible to vote in her first election. Even at that age she's concerned about politics and wonders why the Tories keep saying they won't pay any attention to a democratic vote which expresses the will of the people.

There's the Italian grandmother who doesn't speak English but understood well enough when I mentioned "megacity." She kept saying over and over, "Megacity no, megacity no."

There are the two punks in the apartment building on the corner, rings in their noses, who were glad to get information on where they could go to vote, and the young professionals in the condo building who wanted more information on the proposal but said they thought they'd vote against it.

One of the most despicable tactics that the Harrisites have used to defend their megacity proposal is to marginalize their critics, to claim they are only NDP supporters still unhappy about losing the last election, or just a bunch of Iranian or Iraqi protesters.

It should be clear to you now that Torontonians from every walk of life, from the board room to the shop floor, from Rosedale to Parkdale, from Queen Street West to Steeles Avenue are opposed to the megacity. They are not opposed; they are fighting mad.

If an election were held today, the Tories would return no members from Metro Toronto, Mr Gilchrist. The tide has turned strongly against them and the tide is turning against every other Tory member of the Legislature.

TORONTO SOCIETY OF ARCHITECTS

Mr David Oleson: I appreciate the indulgence of the committee and particularly the assistance of Mr McAllister in allowing me to come and speak with you today.

I'm the chairman of the Toronto Society of Architects and I'd like to express our concern about the serious disruption to well-established and generally well-functioning structures of governance.

The Toronto Society of Architects is a non-profit, volunteer organization originally formed in 1887 as an architectural guild, and operating as the local society of the Ontario Association of Architects for the last 100 years. The Toronto society is committed to presenting informed opinions on issues affecting architecture in the greater Toronto area. We represent the interests of all the architects in the GTA, and have approximately 400 active members.

Many of our members are concerned about negative changes to policies and processes which have led the Toronto region to being recognized as one of the most livable urban areas in the world. The recent distinction by Fortune magazine, which I'm sure you've heard lots about over the last few weeks, reinforces this reputation, with emphasis on this city as a place to work and a place to live.

1710

The issues in this debate are many and complex. This city, Metro and the GTA have grown substantially since the last large reorganization, when Metro was formed over 40 years ago, and the governmental structures must keep pace. When attempting to make improvements, though, it is important to appreciate what has worked and is working.

One can make several observations, by example, about the benefits within the current governmental framework. Responsiveness to the local context is an important quality of effective government. Innovation is one of the key opportunities in smaller-scale governmental structures. Over the last 20 years the city of Toronto, by example, has been quite innovative in its planning and development policies.

In the 1970s the city put in place policies which recognized the value of incorporating existing, and often historic, buildings into redevelopment projects. Early infill housing prototypes were developed. The city's policies reinforced the importance of maintaining strong residential neighbourhoods within the downtown area.

In the 1980s the city's central area plan recognized the importance of public transit usage through lessening parking requirements in the downtown core and encouraged mixed-use — primarily commercial and residential — development through new zoning policies.

In the 1990s the city enacted new policies to reinforce and encourage the redevelopment of the main streets. Toronto is again setting the pace by innovation, through reinvestment policies in the King-Spadina and King-Parliament areas, as well as a renewed commitment to the healthy redevelopment of Yonge Street.

The city has also convincingly shown commitment to design excellence for public projects, by conducting design competitions and constructing the winners. Winning designs for the Trinity Square Park, the North Toronto Memorial Community Centre, the Bay-Adelaide park and the Village of Yorkville Park have all been completed over the last 15 years, and Courthouse Square Park is under construction.

The most outstanding example of the city's commitment to architectural excellence is the city hall itself, resulting from a highly publicized international design competition in the mid-1960s.

Recently the city was able to reconstruct St George Street as the important public space it should be in the heart of the University of Toronto campus through a generous private donation coupled with public initiatives. In any proposed municipal structure it is important that there be local responsiveness to ensure that innovative solutions like those illustrated can succeed.

Creative initiatives by the city have influenced and shaped policies in the other municipalities which make up Metro. In turn, Toronto has benefited from the growth of the surrounding communities. Individual governance has stimulated a healthy competition between municipalities.

Judging by details released so far about the proposed amalgamation structure, innovation is likely to suffer. A smaller number of councillors will be overwhelmed by the day-to-day business of running the city and will have no time for extra attention to special projects. The proposed neighbourhood committees have been described as composed of volunteers, and will likely have no professional expertise and little clout. Centralized, bureaucratic organizations are typically averse to small-scale, innovative solutions. The quality of civic life and of design in the public realm will suffer if current proposals are enacted.

Several recent studies — the Golden commission and the Crombie group as two to refer to — have identified better alternative municipal structures. We strongly urge you to reconsider current legislative proposals, and to ensure that any new policies strengthen the opportunities for innovation.

The Chair: Thank you very much, gentlemen. You've effectively exhausted all of the allotted time, but I want to thank you both for coming forward to make your presentations to the committee today.

CATHY KOZMA

The Chair: Would Cathy Kozma please come forward. Good afternoon, welcome to the committee.

Ms Cathy Kozma: Thank you, Mr Chairman, and good day, honourable members. My name is Cathy Kozma and I'm a member of the board of health of the city of Toronto and a citizen representative representing the northeastern portion of the city. I'd like to raise some concerns today from the board of health regarding the threat that amalgamation poses to a cornerstone of our work, and that is community participation in shaping Toronto's public health agenda, policies and programs.

We know that if public health services are to be effective in reaching Toronto's very diverse population, they must be built through meaningful dialogue and partnerships within the community. This is integral to our mission statement and it reflects the culture of participation which has helped make Toronto one of the world's healthiest cities. We are very concerned with the rapid sweep of amalgamation and that it will destroy the extensive structures and channels for participation unique to Toronto and that this culture of participation, developed for over 25 years, will either be swallowed up and forgotten or rejected as a frill.

First, I will give you a thumbnail sketch of the role of public health. Ironically, when people think about health,

they tend to think about illness, that is, hospitals, doctors' offices, clinics and that sort of thing, but the focus of public health is the enhancement of good health and the prevention rather than the treatment of disease.

The mission of Toronto public health is to enable all the people in our city to be as healthy as they can be physically, mentally and socially. This includes protection of disease through programs such as immunization, communicable disease and infection control and the development and enforcement of tobacco control bylaws, as you're all painfully aware of today. It also involves health education on issues such as substance abuse, nutrition, sexual health and HIV-AIDS.

More recently, public health, and particularly in Toronto, has developed an expanded commitment to identifying and challenging social factors negatively affecting health. These determinants of health include housing, income, social supports and social influence. For example, public health educators can provide excellent information to low-income mothers regarding the importance of a nutritious diet to children's development. However, thousands of families living in poverty are unable to cover the costs of basics such as rent, food and clothing, and are unable to act on what they may know to be healthy choices. Thus Toronto public health sees community development and advocacy for healthy public policy as key strategies in improving community health. This is reflected in our work on issues such as child poverty, ethnocultural access, woman abuse, food access, and homelessness.

That's a sketch of public health's work in Toronto, and we do it rather well. In 1992 the United Nations World Health Organization granted Toronto special status as the only honorary member of the European healthy cities network. As well, in 1988 Toronto was the only non-American city visited as a model site when American public health experts were examining the future of public health in their nation. We know that a deep commitment to community participation has been key to the efficacy of our work and to Toronto's reputation as one of the world's healthiest cities.

Community participation is a process of involving people in the institutions or decisions that affect their lives. In public health it serves a dual purpose. First it ensures that our policies, plans and programs are what the community wants and will use. Of equal importance is the central role of participation in building the social health of those who have lacked power to influence decisions which shape their lives. Thus, Toronto public health has made a major commitment to work in meaningful partnerships with populations such as the homeless, street youth, immigrant and ethnoracially diverse communities, people with AIDS, and low-income communities.

1720

Toronto's diverse population presents special challenges to achieving citizen participation. As many as one third of the city's residents could experience barriers to participation in relation to a range of factors such as socioeconomic status, linguistic and/or ethnocultural background, or disease status in the case of HIV and AIDS.

As of 1991, 23% of Toronto's population was living in poverty. Currently about 30% of Toronto's children live on social assistance, and thousands more live in households with a minimum-wage income. Over 25% of Toronto's population is racial minorities and over 40% of the population was born outside of Canada; 35% of Toronto Board of Education students do not speak English at home. While the city of Toronto has 6.3% of Ontario's population, it has 50% of Ontario's AIDS cases, including 80% of all people with AIDS in Metro.

Overcoming these challenges to equitable participation has required public health's commitment to multi-faceted and long-term approaches. In addition to traditional channels such as boards, committees and task forces which gather input through deputations, polls and community forums, the department has established specialized ethnocultural outreach and community development programs, as well as community grant funding in areas such as HIV, AIDS and drug abuse prevention, food access and homeless initiatives.

Supports for community input, participation and partnership permeate the work of Toronto public health. Five of the 16 members of the board of health are community representatives, and four community health boards represent the public health interests of local geographic areas. The board regularly seeks broader community input by inviting deputations or holding special meetings. Board subcommittees and task forces invite community participation to explore current issues such as long-term-care reform, AIDS and health and work. Accessible channels for community input are essential to developing policies and programs relevant to our communities.

Toronto public health has a unique commitment to supporting community development, a long-term practice which strengthens the capacity for participation by less powerful groups. Over the past 15 years these specialists have worked in partnership with hundreds of marginalized communities to identify, challenge and change factors undermining health. Examples include the development of local support networks and services for groups such as street youth, homeless adults, immigrants and refugees, and low-income families.

Let me tell you about one initiative undertaken by Toronto's public health department in the past, and that is in Regent Park, a community well known for the challenges it faces, many of which are related to poverty. The department of public health worked with the community on delivering fresh food to families who could barely afford the basics.

Staff, through both research and a community consultation, worked with the community to define the problems and ultimately some solutions. The problem ended up being defined as lack of affordable fresh vegetables and the solution became a community garden where all who participated received a share of the produce; a simple thing really.

Why this was significant is that the department of public health was accessible to the community, held the value of community ownership for both problem identification and resolution, and was able to act in partnership with this community to get something going that was

really tangible and specific. At the end of the day we could look back and say that we, with this community, made a difference; and we did so without much money, just a lot of hard work.

At this point I would like you to consider whether a board of health representing 2.3 million people and a large bureaucratic organization, one likely to emerge as a result of amalgamation, will be as innovative or as responsive in ensuring the basics for health for all communities. I think not. It's not because the people won't care or be skilled or whatever. It is because they will not be steeped in a culture of participation and will not likely be able to establish the relationships required for this process to unfold. They won't have the mandate to work on a community level and won't have the resources to be effective.

In our years of work in communities lacking the basics for health we have found that health can be promoted and achieved. It does not happen by making things bigger. It more often happens by making things smaller, more accessible and more disposed to partnerships with those who feel the issues most.

It's this knowledge based on years of experience which raises our apprehensions about the creation of a megacity and a mega-bureaucracy. The city of Toronto has worked so effectively to establish a healthy, safe and livable environment which is the core of a vibrant regional economy. It is frustrating to think that what has worked so effectively may be destroyed and replaced with a model which planning experts have identified as fiscally unnecessary and as an erosion to democratic decision-making and community participation.

We say to you that as it stands, Bill 103 threatens the maintenance of Toronto as an internationally acclaimed healthy city, one that's considered the jewel in the crown of Canada, and it will result in the reduction of resources for marginalized communities that bear the greatest threats to health among Toronto's residents.

I'll personally add that I'm afraid that although mandatory programs will still exist and communities will have to provide a minimum level of service, every community will come down to providing a minimum level of public health service and not reach to achieve the high standards in innovative programs that we have in the city of Toronto public health.

The Chair: Thank you very much, Ms Kozma. Unfortunately, you've exhausted your allotted time, but I want to thank you for coming forward and making your presentation today.

FRANÇOIS ROULEAU

The Chair: Would François Rouleau please come forward. Good afternoon, and welcome to the committee.

Dr François Rouleau: I am Dr François Rouleau. While I was conducting post-doctoral research in physics in Europe, the Harris government swept to power in Ontario. The more I read about government cuts to social services, education, health care and housing in Ontario, as well as talk of massive deregulation and privatization, the more I got the sinking feeling that my world back home was crumbling. All the fundamental institutions our parents built seemed to go out the window, one at a time.

Funding for research was also cut, and the opportunities to pursue research in Canada dwindled. I thus decided to spend a few months trying to understand and fight what can only be called the new state religion — neo-liberalism — that seems to have swept the nation, if not the whole world. The term “religion” seems appropriate here because of neo-liberalism’s fanatical and irrational dogmas about globalization, free trade, trickle-down economics, deregulation etc; its strange rituals like mergers, downsizing and outsourcing; and not forgetting its own form of God — profit. All this without any regard for its destructive impact on societies and the environment.

Then came talks about a megacity and Bill 103, tabled just in time for the Christmas break. Like most people in Metro, I received the pamphlet “One Toronto for All of Us” in December. This corporate propaganda — there is no other word for it — tried to spin off the idea of a megacity using glaring omissions, as I found out when I finally got a copy of Bill 103 in January, and misleading statements, if not downright lies. The omissions were especially about the authoritarian nature of the powers given to the board of trustees, the transition team and the Minister of Municipal Affairs and Housing, like the now infamous clause, “decisions are final and shall not be reviewed or questioned by a court.”

A list of reports with the comment “Below is a sample of recent reports that consider local governance matters and service delivery” gave the misleading impression that most favoured the position adopted by the government. In fact, most turned out to be mostly about reforms to the greater Toronto area, which is left untouched by the Tory government reforms, and about advocating a strengthening of local governments, not amalgamation.

Pervading this propaganda pamphlet was a nauseating corporate Newspeak about “competing globally,” meaning a downward pressure on Canadian wages by big corporations using a cheap labour force in Third World countries led by repressive regimes, or “new ways of doing business,” meaning downsizing workers for short-term profits etc. The more unsavory clauses of Bill 103, like the sweeping and authoritarian powers of the minister, the board of trustees and the transition team, were left out.

The pamphlet stated that the transition team “will determine ward boundaries,” giving the impression that there will be a public consultation on this matter. But there is no explicit mention of this in Bill 103, only that clause 16(4)(c) says, “The transition team shall establish the new city’s basic organizational structure.” Explicit, however, in Bill 103 is paragraph 4(1)2: “The minister shall, by order, fix the boundaries and name of each ward.” If the minister cares about local democracy and public consultation, why is this clause in the bill? How can we expect a democratic structure responsive to the needs of citizens to emerge from this transition year when the man controlling the process has shown time and time again utter contempt for public input?

1730

Compromises have been extracted from Mr Leach only through displays of massive public outrage. The propaganda pamphlet tried to be reassuring that neighbourhood committees will play a role in maintaining strong local

democracy and gave a possible outline of their structure and role. But the bill only says, in 16(4)(e)(i), that the transition team shall “hold public consultations on the functions to be assigned to neighbourhood committees” and, in (5), “The city council shall, by bylaw, establish neighbourhood committees and determine their functions.” That’s it.

Why is Bill 103 so vague about the role and organizational structure of these committees if they appear to be so pivotal in the eyes of the minister, as implied by the “Nurturing our Neighbourhoods” section in this pamphlet? The powers of the minister, like those of the board of trustees and the transition team, are sweeping yet ambiguous and arbitrary.

Bill 103 says in clause 24(1)(c) that the minister may, by regulation, “deal with transitional matters in connection with the 1997 regular election and the new city.” What prevents the minister, for example, from unilaterally deciding to privatize water and sewage? There is only this half-reassuring clause, 2(5)(b), that “all the assets and liabilities that the old municipalities had on December 31, 1997 are vested in and become assets and liabilities of the new city on January 1, 1998, without compensation.” Does this clause mean that the minister can liquidate municipal assets if he wants to, as long as he does it before December 31, 1997?

A lot has been said about the KPMG study, completed in a matter of weeks, if not days. Its mandate was not to consider different scenarios of municipal reform of Metro but to speculate on how much could be saved through amalgamation and efficiency savings, assuming that the transition is “properly managed” using the numbers provided by the government. It assumes “continuation of the present overall availability and quality of public services,” an assumption dubious at best, considering the massive re-entanglement exercise the provincial government is imposing on cities, including the municipalities of Toronto. The government knew this was coming but did not bother informing KPMG, making its study all the more irrelevant.

Changing the accounting practice as this transition is implemented will further make any assessment of its impact impossible. The KPMG study says on page 11 that “adopting public sector accounting standards as established by the Canadian Institute of Chartered Accountants...will make it difficult to compare the level of expenditures of the new entity (assuming adoption in January 1998) with those of the predecessor entities, which have prepared their accounts on the old basis.” All this is a recipe for chaos.

Tonight we will find out what the citizens across Metro think of amalgamation. But it is a mistake to think that Bill 103 is only about amalgamation. It is also about getting rid of local democracy, silencing the voices of citizens and implementing a campaign of organized corporate looting of our municipalities, especially the downtown Toronto core.

Bill 103 contains so many clauses giving sweeping and arbitrary powers to the minister, the board of trustees and the transition team and so many vague statements about democracy and due process that no amount of amendments could actually protect local democracy from the

destructive impact of this bill. I demand nothing short of a complete withdrawal of this bill. The minister has already caved in to the pressure by considering some amendments to Bill 103. Why not go all the way? Simply withdraw and admit it was all a mistake.

The Chair: Unfortunately, you've exhausted all the time allotted to you, but I want to thank you on behalf of the committee for coming forward today to make your presentation.

BARBARA STERNBERG

The Chair: Would Barbara Sternberg please come forward? Good afternoon, and welcome to the committee.

Ms Barbara Sternberg: I'm here as a citizen. I was born in Toronto and have lived here almost all my life. I have taught at both the high school and university levels, and for the last 20 years I have been making experimental films.

I am concerned about a government that doesn't listen. This is not the first bill that has been rushed through the House. There was the omnibus bill and Mr Harris's response to the Days of Protest: "I'm not listening." And now this.

I want a government that consults, discusses and makes informed long-term decisions. I have come to speak here in good faith. I hope the government is also operating in good faith and is listening and considering what people who have been speaking here are saying.

I am concerned about the way Mr Harris communicates with the public, by ads. Mike Harris was elected on a slogan and, seeing that that worked, is now using advertising to sell ideas. Advertising is not an appropriate form of communication between a Premier and citizens. It is one-way only; there is no dialogue, no questions from the press. Advertising can lie by omission. It oversimplifies. Advertising convinces, it sells; it does not inform. Amalgamation is more complex than a 30- or 60-second ad.

I'm concerned that mega is messy, the opposite to the impression the ad gives. I've been wanting, since the ad came on, to run an ad of my own using the exact same visuals. You'd see the grid of wires all jumbled up and shorting out, and the voice-over would be saying: "Megacity is too large and unmanageable; it overburdens and is overtaxing." Then the neat, functioning grid comes on looking all effective and the voice says, "Whereas small governments run effectively and are less taxing to us all." Even though ads work — we know, unfortunately, how powerful they are — I want a government that knows it is not right to use them.

I'm concerned that with amalgamation there will be a silencing of the voice of the people: only 44 councillors and, of those, only 14 from Toronto. Why will Toronto have so few representatives? Fourteen does not seem sufficient to represent the population nor the diversity within the population. Why will there be a smaller percentage of reps to population for Toronto than for North Bay, for example? Will only 14 councillors be able to deal with the problems, large and small, requiring different areas of expertise? Will diversity in perspectives and the whole spectrum of political thought be repre-

sented in this new order? I'm concerned that in questions where there are differing priorities and values, such as density, public transit, expressways, cultural production, 14 out of 44 gets outvoted. I've been to Los Angeles and I don't want to live there; I want to live in Toronto.

I am not afraid of change when something needs changing, when the change improves existing conditions, when change is made with due process and thought. Don't you be afraid of change either: To change your mind, to reconsider, is a sign of intelligence and strength.

I am afraid of a loss to the arts. The cultural life of the city serves an area beyond its boundaries and even serves the country as a whole. By culture I mean not just pre- or post-Broadway theatre and Hollywood or Disney movies; by culture I mean indigenous, independent, innovative Canadian views and values. Culture is not only good business and good for business, and it is both of those things, but culture is a good in itself. What would life be like without it? Empty, grey, barren — unimaginable, really. Why would anyone go to New York if it weren't a cultural centre?

But cultural life doesn't come from nothing. Will the level of support for the arts — the 1% now in Toronto — and its arm's-length system of distribution be adopted for the megacity?

1740

I'm concerned that amalgamation is not the only thing to be concerned about, but small potatoes, or even a red herring while the government has other fish to fry. I knew this would be close to supertime.

Other things to be concerned about: the omnibus bill; loosening of environmental regulations; the cuts to health and education that sparked the Days of Action protests; privatization of university education or parts thereof; privatization of health care, or parts of it, and possibly of water; and now downloading of welfare, and amalgamation.

Canadians want and are willing to pay taxes to support a safe, ecologically sound, culturally alive, just, equitable and caring society, a society with a social conscience, universal access to health care and accessible quality education.

Our system of government is based on trust. This government has shown up the potential danger in the system when there is a majority government that takes that majority as licence to dictate. We trust governments, even with a majority, to consult, to listen and to represent the interests of the province as a whole and all its inhabitants, not only the interests of those who voted for you and whose contributions financed your election.

I plead with Tory MPPs to regain lost trust. I challenge Tory backbenchers to live up to the trust of the citizens of Ontario. I call upon Tories of good sense and integrity to vote your conscience. Make this a vote of no confidence in Mike Harris. Please use the power you have for good. Thank you.

Mr Tony Silipo (Dovercourt): Ms Sternberg, thank you very much for your presentation. As we've been anticipating what's going to happen tonight as people complete the voting in the referendum and the results become known later this evening, I and many others have been suggesting that the referendum process is the one

vehicle that's left to the government to find a way out of this mess they're in.

The Speaker has found against them in terms of the process they've used; the courts have found against them; the people will presumably find against them, by all the indicators we have. Would you agree that this is now the time for Mike Harris and Al Leach to say: "We made a mistake. We're prepared to withdraw the bill and seriously engage people in a discussion over what the alternatives are and should be?"

Ms Sternberg: Yes, I think so, but they also have to do that on a number of other issues which I have mentioned. Amalgamation is just one of many things that — you're shaking your head. I think so, and that's why I called for the Tory members to vote against it.

Mr Silipo: I think you're being overly optimistic in terms of asking for non-confidence by the members of the government in their government, but we could start with what they're doing on Bill 103 and some of the other pieces around downloading, because people understand the connection between those two.

Ms Sternberg: This has been the only opportunity for someone like me and all the other people who have spoken to speak to this government.

The Chair: Thank you, Ms Sternberg, for coming forward and making your presentation.

Ms Sternberg: Is there time for me to ask a question?

The Chair: Not really. Thank you very much for coming forward.

MARYBETH MCKENZIE

The Chair: Would Marybeth McKenzie please come forward? Good afternoon and welcome to the committee. You have 10 minutes to make your presentation.

Ms Marybeth McKenzie: My name's Marybeth McKenzie. I am a part-time student at the University of Toronto and I am currently working full-time to pay my student loan. I am a Toronto resident. My family's been in Toronto for five generations, and I am currently an Ontario citizen too.

I don't have a handout, because I would tend to read it too much; I am really nervous. When I wrote to the committee to say, "Hey, I have something I am interested in speaking about," I wrote because I was upset. It was just before Christmas; we'd found out about amalgamation and it wasn't the greatest Santa Clause present ever.

The reason for me was because I didn't know where this was coming from particularly. I had known about the Golden report. I didn't quite understand the process that had been involved in consulting the municipalities, Metro, nor the residents of these municipalities in Metro. For me, I felt like there had been a secret out of the dark. I was nervous and I was surprised.

As someone said: "That was then and this is now." Now I am angry and this is why I am here. I am angry about the speed Bill 103 has taken. I do not understand why something so important must be pushed for fall elections and why we couldn't have a more consultative and lengthy procedure to make sure that all parts fit together.

I am also upset and angry about the process itself. We've heard mention of advertising. I work in adver-

tising. I find that we haven't had all the information. I am still confused as to what information the provincial government has provided in support of this bill. I don't really know what kind of studies have been performed to that effect. I know there's an 18-page report which I forget the title of — I'll admit that — but it doesn't give me a lot of security when I know that there has been the Golden report and also the Crombie report.

I am also angry about the secrecy about this legislation, specifically the secrecy about what's being proposed. You've heard about the trustees, and people are upset. People are upset, I think, because this idea of trusteeship and not having accountability — which I know will be debated — gives us a fear. People on community radio have likened this to Nazism. I'd like to think this is not the case. I certainly voted in the last election and I am hoping that's not the case.

The other reason I'm angry now is because of last week's comments where the government is saying they won't listen to the citizens about what we have to say. The problem with this is that in the end the citizens are the employers of the government. Al Leach has been very clear about this. As to the referendum happening right now, we've been told it's not going to be heeded or listened to. To me, this shows utter contempt for the residents of the Toronto region and for the citizens of Ontario.

For example, for me in my entry-level position, if I were to tell my employer: "You know, I really don't care about your opinion or what you want to do; I have my own opinion and this is what I want to do, even though you might ask me to do something else," I probably would be fired, as should this government be fired for contempt if this is to happen. You do not respect local democracy because I do not think you understand the word "democracy."

As much as I am a taxpayer of Ontario, I am a citizen of Ontario. I am angry and confused that something so important as the amalgamation of six municipalities and Metro needs to be rushed and information has been so scattered. I am upset that the government has not been forthcoming with its studies recommending amalgamation. I do not understand why the Golden report and the Crombie report are being put away on the side. Why hasn't the GTA idea been given more thought and value?

I do not understand why the provincial government is interested — I'd like to think it's not because of the money — in the power grab over the Toronto region. I've always thought the provincial government was busy enough dismantling environmental regulations, rent control, women's shelters and the hospitals.

I do not understand how downloading social services, welfare and transportation will not increase property taxes. I am angry because in effect what you're doing is passing the buck to the municipalities, saying, "You have to be responsible for such services." What this means is you're really turning your back on Ontarians, that people who are living in poor municipalities will be made even more poor. You are in effect saying that standardized social welfare for every Ontarian is no longer acceptable.

With regard to education, I believe that if children are hungry and living in substandard living conditions, they

will not be able to learn, no matter what you're proposing with education. These are serious contradictions to your education plan. I am outraged that despite your assurances that there will be no increase in property taxes, the government will not put it in writing. Why not, and what are you afraid of?

I am afraid you have not given sufficient consideration to the bill, that my rent will increase on my 160-square-foot apartment due to property taxes. And not only will I be affected by these increased costs but also by the removal of rent control.

As there has been strong opposition to Bill 103, it is important to note what people are contesting. They are contesting the process. They are angry because they feel they're losing their community, that the appointment of trustees and the reduction of councillors will mean a reduction in democracy. The dumping of social services will mean increased taxes. There is a lack of confidence in the Progressive Conservative plan. We do not have confidence in your reports or your studies. There is a distrust of and anger with the government because there has not been a more inclusionary process, as well as because of the speed.

I would suggest that amalgamation in itself is not the problem. Many people you've heard have said, "I don't think getting rid of duplication is a bad thing." The problem is losing democracy in the process and not caring about our communities and the people who live beside us. I am here expressing my anger and my confusion, because I care about my city, my province and the democratic process. I'm here because I want to see equality for all Ontarians.

Mr Parker: I'm interested in your closing comment. Correct me if I've got it wrong, but I think I understood your point to be that you believe amalgamation itself may not be the problem, but the problem is that democracy is being lost in the process.

Ms McKenzie: Yes.

Mr Parker: Are you saying that you personally do not have a concern about the concept of amalgamating the municipalities?

Ms McKenzie: I don't think, from a lot of the public speakers, that people have a problem with the concept, no. They have a problem if their communities are going to be at a loss and if they don't have proper representation to have community issues addressed sufficiently.

Mr Parker: Is the issue then with the process of achieving amalgamation, or is the issue with the details surrounding amalgamation?

Ms McKenzie: I think both. The problem is that people have not been informed. It's too fast and we're losing democracy.

Mr Parker: Do you have any recommendations as to how your concerns might be addressed within an amalgamated city?

Ms McKenzie: If we still had fair representational government where our voices would be heard, I wouldn't have as much of a problem. I have serious doubts that a megacity would be able, efficiently and affordably, to answer my concerns in my community.

Mr Parker: Do you have any specific recommendations to bring forward?

Ms McKenzie: I think you should slow down, take some time; get as many opinions as possible. In advertising when I see mega-companies come together, amalgamation of two companies will take usually two years. You're trying to push this through in eight months so you can make fall elections.

The Chair: Thank you very much for coming forward, Ms McKenzie, to make your presentation today.

Ladies and gentlemen of the committee, before we recess for dinner I just want to remind you that research has provided a second edition of the summary, which should be before each of you. I want to thank research for that.

The committee recessed from 1754 to 1906.

TREVOR PAGE

The Vice-Chair: Good evening, ladies and gentlemen. We're going to begin. I'd like to ask Trevor Page to come forward. Good evening, Mr Page, and welcome to the standing committee.

Mr Trevor Page: I wish to use this opportunity to speak in favour of the proposed amalgamation of Metro Toronto and its six municipalities. My comments will be divided into two parts: the benefits of amalgamation and then some thoughts on the criticisms of the government's process and the giant void, as I see it, of coherent opposition to Bill 103.

First, as I understand the debate on local government in Metro, there's one nearly unanimous premise: The current system is broken. The government has said so, the opposition parties have said so, the mayors have said so, Golden has said so and David Crombie has said so.

I suppose Mr Sewell and some of his colleagues have spoken up in favour of the status quo. I know they want the diversity of our downtown protected and I know they don't want to see the deterioration of downtown as a place to live. I agree with them. Everybody agrees with them. But keeping things as they are will accomplish so little and undermine so much.

If change is truly necessary, what are the options available to us? We could somehow refine the current two-tier system, get rid of a direct election to Metro, redistribute responsibilities somehow, reduce the number of politicians, but in and of itself this sort of tinkering doesn't solve any of our problems. There would still be overlap and duplication and there wouldn't be any meaningful savings.

We could eliminate the Metro level of government and strengthen the local municipalities by keeping the existing six or creating four. Seemingly, this is the only viable alternative to amalgamation. There could be cost savings and there would be greater accountability, but to eliminate Metro would be to eliminate the coordination of something like three quarters of the delivery of municipal services to Metropolitan Toronto. There would be fragmentation, not unification. It would mean the creation of six or four police departments, six or four transit departments, six or four social services departments. This does not make sense to me.

What are we left with? The creation of a new, unified city in Toronto with fewer politicians; an end to overlap

and waste and duplication; a single voice for the region to speak with to attract jobs and investment; protection of our neighbourhoods and protection of those services like transit and police which already serve all 2.3 million of us. Practically speaking, doesn't it make sense to have one planning department instead of seven, one parks department instead of seven, and one fire department instead of six?

One transit system works, one police department works, and one social services department works. Doesn't it make sense to have 44 politicians with a clear mandate, rather than 106 who keep tripping over one another? Doesn't it make sense to have a mayor with a national and international profile who can make a pitch for investment or even something like the Olympics?

On a more emotional level, people have expressed fear that our neighbourhoods will die, that the diversity so integral to who we are will somehow disappear, that the arts community, the gay community and the multicultural communities will all suffer. To those sceptics I respectfully submit that what makes Metro Toronto great is not its municipal governments, nor its municipal boundaries, nor its public servants; it is the people who live here. Politicians and bureaucrats will always come and go, but Toronto remains great.

Leaside, Forest Hill and Weston still all have a civic pride, notwithstanding the fact they were all amalgamated decades ago. On an even smaller scale, the Beach, Willowdale and West Hill are neighbourhoods which still thrive irrespective of where their city hall is or who works there.

You want an example of a successful amalgamation? Try Toronto. Since the 19th century there have been myriad amalgamations, from something like 30 municipalities down to six, and the world has not ended. In fact, this region has grown and flourished because of a history of growing together. Everybody in Metro Toronto shares a common history. Our city has evolved from having a strong core that is the city of Toronto with growing suburbs. The suburbs flourished, and they flourished because of downtown Toronto. By joining the downtown core with the suburbs our strengths and weaknesses become everybody's responsibility. Welfare and immigration were not just downtown's problems. Creating infrastructure was not just a suburban problem.

Now Metro is the strong core within the growing greater Toronto area and the government is working towards sharing the good and the bad between the 416 and 905 regions. But all this depends on a strong, vibrant core like the city of Toronto was for the suburbs so many years ago.

People make a place great and what is great about Torontonians is our civility, our diversity, our abilities. Of this everybody agrees. I have no idea how changing municipal government can possibly make neighbourhoods less diverse. It's an absurd argument, to be quite honest.

On another point, the opponents of amalgamation do not have a monopoly on affection for Toronto or an understanding of its merits. If Barbara Hall loves Toronto more than Al Leach, why has she created a debt for that city far in excess of any of the other cities? If Mel Lastman loves North York more than Charles Harnick,

why is it only now that the mayor has found savings for his ratepayers by way of municipal restructuring?

This is a time for vision and optimism, for grabbing this opportunity and creating the greatest city on the planet. To pass this up, to vote against amalgamation in the various plebiscites, is necessarily to endorse the status quo, and that could mean the death of one of the most diverse, prosperous and healthy urban centres anywhere.

I would like to comment now on the criticisms made against the government's attempt to move forward with amalgamation. "It wasn't in the Common Sense Revolution," the critics say. "The government is ignoring the will of the people," they say. "It's too draconian, it's undemocratic."

How has this bill, Bill 103, differed in any manner from the previous thousands of bills to pass before the Ontario Legislature? This bill was introduced by a duly elected government. It passed first reading. It was debated after second reading. Now it's at committee hearings. After this, I suspect there will be some amendments and then it will go on to third reading. If it passes, it will receive royal assent. That's the process for creating laws in this country and in this province.

People have argued that the government is doing it to spite the city of Toronto because they're too drunk on power. What did they really do? They introduced a bill which reduced the number of politicians, a bill which reduced overlap and duplication between and among governments, a bill which actually removed a level of government. I'm sure I've heard ideas like those from Harris and Leach — I'm almost positive. I also read that during the parliamentary debate after second reading there were two hours and 45 minutes of debate and five hours and 25 minutes of opposition filibustering. How is it that the opposition parties can stifle debate on the issue, but the government is accused of being undemocratic?

As an aside, had the government got rid of Metro, had they created four cities, then the criticisms would have been that the Harris Tories had opted for a fragmented Toronto because a megacity would be so powerful that it would challenge the authority of the provincial government. Harris has it in for Metro, they would say, so he's keeping it down. As it is, the government chose to unify Toronto, so now he's crushing local democracy.

Now we are nearing the end of 105 hours of public hearings. So many people have spoken, but how many different ideas have really emerged? From what I've read and heard, there's the "This government is undemocratic" speech and the "Neighbourhoods will die" speech, two absurd arguments based on some other-worldly reality. In short, the government has followed the parliamentary system to the letter.

What has been lacking is any meaningful discussion on the substantive issues contained in Bill 103, which leads me to my third point. Those groups and individuals who do not like Bill 103, and I've noticed quite a few, have been loath to articulate an alternative vision. The Liberals don't like amalgamation, but what do they like? The NDP don't like amalgamation, but what proposal have they put forward?

The opposition has been loud and varied: mayors and city councillors, unions, ratepayers' groups, architects and

planners, authors, and John Sewell and company. But none of those groups, not one, has articulated a substantive alternative to the government's plan. Rather than bell-ringing and points of order, wouldn't the public have been better served if Mr Silipo or Mr Colle, Mr McGuinty or Mr Hampton had stood in their place and debated the issues?

The Chair: I'm sorry to interrupt. You're going to have to wind up. You're coming to the end of your allotted time.

Mr Page: Just a few words on the referendum, then: The question, as biased and morally corrupt as it is, deals only with the amalgamation issue, but the propaganda from the opposition parties, the municipalities and the Citizens for Local Democracy refers to education reform and property tax reform and downloading. Those questions aren't being asked, so how can a referendum be binding if it asks a bad question on the wrong issue? The government would have had a much harder time dismissing the overwhelming negative results if there had been an honest question and an honest No campaign.

Democracy is every bit as much about building consensus and debating the issues as it is about protesting and whining about process. The government says amalgamation is the best idea for Toronto, so prove them wrong. To the opposition members I say only this: Offer us an alternative. Engage the government in a debate on the issues. Show us with ideas and concepts and vision that amalgamation is wrongheaded. This is my challenge to you.

Likely it is too late now, as the hearings wind down and Bill 103 becomes a step closer to becoming law. You blew it. You are bankrupt for ideas and creativity, so you rode the political coattails of such misguided individuals as John Sewell, Michael Prue and Barbara Hall.

The Chair: Mr Page, I'm going to have to cut you off at that point. We've gone a little bit beyond the allotted time.

Mr John Gerretsen (Kingston and The Islands): No time for questions? That's a shame.

Mr Newman: Give him another 10 minutes.

The Chair: I want to thank you for coming forward and making a presentation today.

Mr Gerretsen: I think he should be allowed to finish.

Interruption.

The Chair: Ladies and gentlemen, the rules of the Legislature apply in a committee room and audiences are not to participate with catcalls or boos or whatever else, so I'd appreciate if you'd keep those to yourselves.

Mr Gilles Bisson (Cochrane South): Mr Chair, I'd like to ask for unanimous consent so the Liberal caucus can ask a question of the last presenter.

Mr Gerretsen: I'd agree with that.

Interjection: No.

The Chair: No unanimous consent.

ONTARIO CENTRE FOR SUSTAINABILITY

The Chair: Would Chris Winter please come forward. Welcome, Mr Winter. You have 10 minutes tonight to make a presentation. If there's some time left at the end, the Liberals will —

Mr Bisson: Did we have unanimous consent?

The Chair: I asked and the indication was that no unanimous consent was going to be forthcoming.

Mr Winter, go ahead.

Mr Chris Winter: Thank you for the opportunity to address you on the subject of the future of Metropolitan Toronto. My name is Chris Winter. I have been a resident of Metro Toronto since 1973. Professionally, I am currently setting up the Ontario Centre for Sustainability, an information centre on environmental strategies and sustainable development in Ontario.

While I have personal experience with the impact of downsizing and budget cuts, it is not on my own behalf that I speak tonight. I'm a well-educated white male; my prospects for creating my own employment are good. I live in Parkdale. I can see around me many of the people who are poor and with few, if any, opportunities for improving the quality of their life. These are the people who will bear the brunt of downloading and cuts in welfare and housing assistance.

This past weekend I attended a conference of the Ontario Healthy Communities Coalition. Its membership includes many of the agencies and non-profit organizations that work to improve the quality of life in communities across the province. At one point, a delegate from an anti-poverty group was nearly in tears as she spoke of having to resort to prostitution to feed her child.

1920 This is the reality that lies outside these walls: a crumbling social infrastructure and hundreds of personal stories of hardship. These, I believe, are the issues Bill 103 should address. So when I speak to you now of healthy communities and government responsibility, it is with the desire to find a solution that is both fiscally responsible and community-sensitive.

I would like to present two simple concepts that underlie my analysis of Bill 103.

The first is the healthy communities model, first introduced to Ontario by Dr Trevor Hancock and later adopted by the Ontario Healthy Communities Coalition. The model is made up of three interconnected circles representing environment, economy and society. Like a three-legged stool, a healthy community depends upon the health of its environment, economy and society. Strengthen one sector at the expense of the others and the long-term health of the community is in jeopardy.

At the centre of the model is a healthy community, which can be defined as being sustainable, prosperous and with a high quality of life. Sustainability, livability and prosperity are subjective terms, true enough, but in the debate to define them we begin to find workable solutions that meet the needs of each sector. I hope all of you will be able to agree with me that Bill 103 and its changes to Toronto's governance should support the goal of a healthy city.

The second concept I wish to place before you is the responsibilities of good government. They are to set and enforce standards, regulations and laws on issues of concern to society; to ensure the provision of essential services and infrastructure; to stimulate the healthy and sustainable development of our economy and society. I hope you will agree also that the government of Ontario

should strive for constant improvement in each of these three areas of governmental responsibility.

The above principles for healthy communities and good government can be applied equally to any political philosophy — Conservative, Liberal or NDP. They are separate from the left-right spectrum and therefore provide us with independent criteria against which we can judge the actions of a government. It should be clear too that there is tremendous flexibility for meeting these criteria. Therein lies the constant tinkering of successive governments.

But it is also possible to go too far, which brings us to the current government's record of activities and proposals. At the provincial level they include removing all major policy advisory bodies, deregulation, cuts to enforcement, cuts in support to Ontario's social infrastructure, privatization of essential services such as the Ontario Clean Water Agency and Ontario Hydro, downloading of responsibilities and costs to municipal governments, and the introduction of workfare.

Specifically, in Bill 103, the government proposes to replace local elected councils with appointed community advisory committees, download social assistance and welfare responsibilities, and implement a radical change to the tax base.

Taken together, these changes will have serious repercussions on the social and environmental health of Toronto and the province as a whole. They point to a decline in all three of the responsibilities of a government: to provide a strong regulatory framework, to provide essential services and to promote healthy and sustainable development.

They are made from an economy-centred model and the belief that less government and a free-market economy will lead to greater efficiencies and a healthier community. In ecological terms, we call this the survival of the fittest. I would like to think that as a society we have adopted a more compassionate model.

Over the years, Canada has developed strong values with respect to health care, social security and environmental protection. The current support for economic efficiency and debt reduction should not be interpreted as a mandate to relinquish government responsibilities in these areas. My advice to you is to bury your pride, set aside the Common Sense rhetoric and ideology and get down to the business of being a government — not just a party in power — that is responsible and responsive to the needs of all its people.

Bill 103 and the associated measures of downloading and privatization will have a profound impact on the quality of this city over the next century. That's a tremendous change and a tremendous responsibility. Therefore, I recommend the government should withdraw Bill 103, and in its place establish a Ministry of Municipal Affairs task force to develop options that will: (1) increase efficiency in governance and the delivery of essential services; (2) maintain local democracy; and (3) enhance community health and wellbeing.

I think you folks have started the debate, whether you really wanted to or not, but now it's time to pull back, reflect and see if we can do it in a logical way. What I have offered is a logical approach, but as I have seen so

many times over the past 12 years of my career, logic plays only a small role in politics. So if logic will not sway you, we must resort to passion.

I wish to conclude my presentation by entering into the record of these committee hearings the lyrics of a song I helped write that will be sung later this evening at Massey Hall. It is written to the tune of Barrett's Privaters and, with apologies to Stan Rogers, it is called *The Last Democracy Pamphleteer*.

In respect for the formal nature of these hearings, I will not sing it at full voice, but ask instead that you all imagine a chorus over a thousand strong calling on you to stop your narrow-minded and senseless attack on the people and communities of Metropolitan Toronto.

Oh the year was 1997 —

How I wish I was in Scarborough now —

When a bill came down from the Queen's Park crowd
With a mighty voice we shouted aloud.

Damn them all, I was told

This city was worth its weight in gold;

They'd fire them all,

Amalgamate,

Now I'm a homeless soul on the Harbourfront pier,

The last democracy pamphleteer.

Bill 103 was a sickening sight —

How I wish I was in North York now —

With a list of things that they would do

To save themselves a buck or two.

Damn them all, I was told

This city was worth its weight in gold;

They'd fire them all,

Amalgamate,

Now I'm a homeless soul on the Harbourfront pier,

The last democracy pamphleteer.

The people came out both young and old —

How I wish I was in Toronto now —

On Monday nights we'd congregate

and shout to the rafters, "It's not too late!"

Damn them all, I was told

This city was worth its weight in gold;

They'd fire them all,

Amalgamate,

Now I'm a homeless soul on the Harbourfront pier,

The last democracy pamphleteer.

Feel free to join in, Mr Newman.

The Chair: You have a minute remaining for questions.

Mr Winter: Let's skip it and go to the minute remaining for questions, then.

Mr Hastings: You'll never get an agent.

Mr Winter: Sir, neither would you.

Mr Gerretsen: Thank you very much. You certainly make much more beautiful music than the government has over the last couple of years, so I'll give you full credit for that.

I like your model that you've set out and the two-step approach to that, because I believe that's how government traditionally has dealt with the change that's taken place in Ontario. That's not happening here.

Could I have your comments? The bigger problem I see outside of this amalgamation, megacity stuff that's going on right now — I don't think that's where the real

problem is — the government really hasn't focused on it. It's really, how do we coordinate all the various services in the GTA? Do you have any comments on that at all?

Mr Winter: Yes. There are two things I'd like to say on that. First of all, in theory it would seem possible to coordinate better the services in the GTA. In practice, I'm not convinced and I have not seen any of the studies and the hard science that comes up to back this up. What I'm left with is the common sense, shall we call it, that amalgamation of services will result in greater efficiency. To a large degree, we're going to be facing the cost of amalgamation and the cost especially with planning departments and so on of harmonizing various codes and standards within the different municipalities, so in the first few years we're going to be facing a tremendous cost for a perceived and potential saving that may come down the road.

I'm not convinced that a unified service is the best way to go. I'm prepared to accept it if the studies are there to back it up, but so far, from what I've heard, the financial analysis is not there.

The Chair: Thank you, Mr Winter, for coming forward and making your presentation this evening.

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CONFEDERATION OF RESIDENT AND RATEPAYER ASSOCIATIONS

The Chair: Would Dale Ritch please come forward. Good evening, Mr Ritch. Welcome to the committee.

Mr Dale Ritch: Mr Chairman, ladies and gentlemen, members of the committee, I represent the Confederation of Resident and Ratepayer Associations in the city of Toronto and I'm speaking on their behalf tonight. I'm glad to take this opportunity to make a few remarks about the megacity legislation.

First of all, this issue boils down to one thing, really: accountability in democracy. I'm giving you a handout here which some of you might be familiar with, which I'm basing most of my remarks on. It's Your Ontario, Your Choice: A Preliminary Look at the Referendum Alternative. It was published last summer by the Conservative government. I think the referendum issue is very important in the context of accountability in democracy.

Last summer your government, the Conservative government, said: "We're looking at the possibility of government-initiated, opposition-initiated and citizen-initiated referendums. We also feel — unlike other politicians — that referendums are a good idea and do not limit the ability to manage a government. We don't think it's unreasonable for people to have those alternatives." This was a quote from Mike Harris in the *Financial Post*, February 4, 1995.

Last summer, the Conservative government published this paper. From the overview, I quote: "The Ontario government is firmly committed to using the referendum as a tool of increased accountability and improved public participation in the decision-making process...."

"For many years, Mike Harris has made clear his support for direct democracy. He was one of the first Canadian political leaders of this era to argue forcefully that the referendum must play a greater and more significant role in our decision-making process...."

"Further, for many years Mike Harris has said that certain questions of public policy," including new provincial taxes, "are so fundamental that they should be decided using referenda...."

"Some have negatively suggested that the referendum mechanism is an abrogation of a government's responsibility to govern. This Ontario government believes otherwise."

On January 24 of this year, the member of the government responsible for referenda, Tony Clement, said, "The new process would enable the people of Ontario to go over the heads of the elected élites and cause a referendum to be held on any issue."

Mike Harris, quoted this week in the Toronto newspapers: "It is so flawed" — this is the referendum in Metro he's talking about, held by the six cities — "so misleading and so confusing that it borders on irrelevancy." "The vote number in percentages doesn't matter because it's not based on anything that any pollster or anyone who knows anything about referendums believes is logically sensible."

Contrast Mr Harris's remarks with this excerpt from *Your Ontario, Your Choice*: "Many people tell us they feel disenfranchised by the process of modern government. Many don't believe government can work for them. The manner in which important public policy issues are decided often appears to be dominated by special interest groups." Sadly, it appears that Mike Harris and the Ontario Tories have themselves become nothing but another special interest group.

I would ask the Tory members of this committee, in what sense is this real referendum that we're now experiencing in Metro Toronto, as opposed to the paper referendums that you support on paper — in what sense is this referendum flawed? I'd like to know. Are you suggesting that the residents of Metro do not know what they are voting for or against?

What did the question on the ballot say? "Are you in favour of eliminating the city of Toronto" — this is the ballot in the city of Toronto; slightly different wording in the other cities — "and all other existing municipalities in Metropolitan Toronto and incorporating them into a megacity?" This is misleading? This is confusing? This is flawed? Prove it to me that this question is misleading, confusing or flawed. I challenge you.

What has been misleading and confusing and flawed from the start has been the government's approach to this entire megacity issue and the other related bills, including downloading. Absolutely not one shred of evidence has been produced to demonstrate a cost saving of even one cent that will result from amalgamation. Not one study has shown that even one cent will be saved by amalgamation.

All published studies, with the exception of the KPMG report, have pointed to the opposite: an escalation of costs and a loss of efficiency. KPMG, of course, hedged on the cost savings, saying none was guaranteed. They said it's a possibility, but there are no guarantees here. So there's not one study, not one shred of evidence, that has demonstrated that there will be a saving of even one cent from amalgamation.

Furthermore, disentanglement has turned out to be its opposite. According to the *Globe and Mail*: "Disentanglement just doesn't make sense. The tongue-lashing has been well-earned. This scheme is deeply flawed." Members of the committee, members of the government, I say to you: Welfare, social housing and other social services should not be dumped on to the property tax base. This is not disentanglement.

Property taxes should be used only to provide services to property, and this is the view of most of the ratepayers, activists in the city of Toronto, members of our organization. Downloading of social services on to the property taxes adds to the existing entanglement and becomes even more tangled and confused. This government is moving in the wrong direction.

With regard to the social housing aspect of the downloading, we're very conscious of this in the city of Toronto. The city of Toronto has 45,000 units of social housing alone. We have one quarter of the social housing stock in the entire province here in the city of Toronto. We in the ratepayers movement don't like that. We've been arguing that there's too much social housing, that we can't afford it. We're winning that argument in the city of Toronto.

There's a realization coming now that we've reached the limit. The non-profit housing sector itself has published articles and statistics that have stated the government is understating the real cost of running social housing in Metro. The government says it will cost \$369 million. The social housing institutions themselves say their actual cost is double that. Add on another \$380 million, to bring the total up to \$750 million per year, double what the government says, because of the run-down status of the existing social housing stock in Metro.

To download the costs of social housing alone on to the property taxpayer would bankrupt Metro Toronto and result in tens of thousands of units of unlivable, crumbling social housing stock. Is this what the government is trying to achieve?

In conclusion, what should we now do with the mess on our hands? I say, let's call a time out, to use a basketball analogy here. We haven't gone over the precipice yet. There is still time. Let's take a time out for a few months.

I would only mention in passing that two of the most prominent boosters of the Yes side in Metro, Alan Tonks and Tom Jakobek, are on the bottom of the pile in the recent poll on potential mayoralty candidates for megacity mayor that was published in the *Sun* today. Alan Tonks is at a 3% rating; Tom Jakobek is at a 2% rating. Even the notorious radical ex-mayor of Toronto, John Sewell, is ahead of Tonks and Jakobek. John Sewell is at 4%, ladies and gentlemen. Mel Lastman, by the way, is leading the pack with 37%.

Mel Lastman has been the most vociferous, the most active, the most voluble opponent of megacity. He's been the leader of the No forces. This poll by the *Sun* has got nothing to do with the referendum, folks. This is an independent poll published by the *Sun*. The *Sun*, by the way, has been editorially wholeheartedly in support of megacity, right from day one. The opinion poll of the *Toronto Sun* shows Mel Lastman is leading the pack with

37%, Barbara Hall is in second at 12%, Alan Tonks is at 3% and Tom Jakobek is at 2%.

I also want you to remember what Hazel McCallion is doing regarding amalgamation in Mississauga. She's launched a pre-emptive strike. She's saying: "The hell with Peel, we're getting out before you guys can fold us into them. We're getting the hell out."

The Chair: I'm sorry to interrupt, Mr Ritch, but you're going to have to sum up. You've come to the end of your allotted time.

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Mr Ritch: I'm just summing up right now, sir.

In conclusion, I think Mike Harris and the rest of the Tory caucus would do well to heed the advice of Paul Pagnuelo of the Canadian Taxpayers Federation. The Canadian Taxpayers Federation gave a lot of support to the Tories in the last election. They've been very militant advocates of fiscal responsibility at the level of property taxes. What Paul Pagnuelo and the Canadian Taxpayers Federation says makes a lot of sense and it gives us a way out. I'd like you to consider it, in concluding here.

What Paul Pagnuelo said was: "Go ahead with the uploading of education from residential property taxes. Go ahead with the downloading of the hard services, roads etc, on to the property tax that's left, and cancel all your municipal grant programs, but forget about downloading of welfare, social housing, and these other soft services on to the property tax." In other words, transfer the remaining half of the income tax cut to a property tax cut. Simple and effective. We're all going to benefit from that. As for Mike Harris —

The Chair: Thank you, Mr Ritch. I apologize, but we're well beyond your allotted time.

Mr Ritch: Mr Harris, prove to us that you're not just another prevaricating politician, another member of a special interest group that enjoys preferred access to the media. Now's your chance to make some changes. Thank you very much.

The Chair: Thank you very much, Mr Ritch, for coming forward and making your presentation this evening.

CANADIAN UNITARIANS FOR SOCIAL JUSTICE

The Chair: Would Doug Rutherford please come forward. Good evening, Mr Rutherford. Welcome to the committee. I wonder if each of you could introduce yourselves at the beginning of your presentation for the benefit of Hansard, please.

Mr Doug Rutherford: Good evening, Mr Chairman. Perhaps I could introduce Mrs Eileen Smith and Mr Maurice Smith who are with me. We're all members of the Canadian Unitarians for Social Justice.

Mr Chairman and committee members, I would like to draw the committee members' attention to the statement attached to this brief, which is a statement of purpose of the Canadian Unitarians for Social Justice.

We are here this evening to express our outrage over this government's blatant effort to ram this bill through the Legislature without the consent of the citizens of greater Toronto, and without adequate consultation with those affected by it. This violates one of the basic prin-

ciples of our faith, that of respect for the democratic process in human relations. We are dismayed that the government sees fit to place the duly elected municipal governments within Metro Toronto under the interim control of a provincially appointed transition team and a board of trustees with unprecedented arbitrary powers.

This bill would deprive the citizens and municipalities affected of their democratic rights that form the core of our political institutions in this province. It would deprive them of their right to challenge the authority of the trustees and the transition team in the courts, and give the members of both, and their employees, personal immunity from civil liability. The decisions of both the team and the trustees are specifically exempted from the Statutory Powers Procedure Act. That act was passed in the 1960s to give effect to the recommendations of a royal commission set up to safeguard civil liberties in this province by ensuring that any decision by a tribunal is made in accordance with a fair hearing to those who may be affected.

Although both the team and the trustees are described as transitional, their dissolution on or after January 31, 1998, is at the discretion of the minister, leaving open the possibility that the powers of these groups may continue for an indefinite period. Under this bill, both the team and the trustees can, by regulation, be given unlimited powers, which could be made retroactive and could override not only other regulations, but any other act of the Legislature.

Here, I digress to explain to those who may not have a legal background that a regulation is legislation enacted by cabinet without the concurrence of the Legislature. Mr Chairman, on a personal note, in all my 20-odd years as a former legal adviser to this government, I have never seen such a provision as this. I find it shocking beyond belief. It is something that only a banana republic would enact.

The interim powers given to the trustees to police municipal funding display a lack of faith bordering on contempt towards the existing municipalities of Metropolitan Toronto which have faithfully administered their own finances over many years, and in the case of the city of Toronto, for more than 150 years.

Why has this government seen fit to give the provincially appointed transition team sole authority to hire permanent department heads and other employees for the new municipality without regard to the wishes of the new body?

Seen together with last year's omnibus bill and Bill 104 currently before this House, this bill forms part of a disturbing pattern of arbitrary government that is alien to our democratic tradition in this province. In our view it shows a step-by-step move towards totalitarianism and dictatorship which the citizens of any democracy cannot tolerate and which they must resist with all the resources at their command.

In framing this bill, the government has ignored the advice in the Golden report, the Crombie report, and indeed from most of the acknowledged experts in municipal matters. We believe that the consequences of this bill, if enacted, will be devastating for all the citizens of Metropolitan Toronto.

We share the view expressed by most of the experts that offloading the costs of welfare, social housing, public transit and other services on to the municipal tax base will add to the already unconscionable burden of poverty that the poorest and most vulnerable residents of our local municipalities now carry. We are surprised and distressed by the callous disregard shown to date by the government towards this segment of our population. This attitude violates our belief in the inherent worth and dignity of every person which we share with other faith communities.

Already there are signs that this government has not given enough consideration to the negative consequences of its unwise course of action. We read press reports of recently discovered additional costs to the municipalities that will be generated by this offloading of services and that do not seem to have been made available when this bill was before cabinet.

We say to the government:

Amend the bill to delete the offensive provisions referred to.

Slow down the process of creating the new municipality.

Delete all the arbitrary powers given to the trustees and to the transition team.

Show your good faith by allowing your staff to negotiate directly with the elected representatives and the staffs of the municipalities to be merged by this scheme, to bring about whatever changes in the municipal structure will benefit the whole greater Toronto area on the basis of the advice in the Golden report and the Crombie report.

In short, we urge the government to heed the mounting tide of citizens' protest to this legislation and take seriously the results of the current municipal referenda and allow those citizens to have meaningful input into this bill. Thank you, Mr Chairman.

Mr Bisson: Thank you very much for your presentation. I want to hit on the one point which I think responds to what we heard in a presentation earlier, that those people on the Yes side are accusing the opposition and others like you in opposition to this bill of not being willing to come forward with some sort of process or ideas that would see some ways of trying to find efficiencies about how the municipalities in Metro are run. First of all I disagree with that comment. We're saying in the New Democratic Party — and I can't speak for the Liberals but I imagine it's the same — that we need to find ways to make change, we need to make sure that we find ways of making government efficient, but we're certainly not convinced that this is the way to do it.

When you come forward and give a proposal such as you have here, your second bullet, "Slow down the process of creating the new municipality," why do you think the government is so opposed to the idea of giving the process some time so that we can get it right rather than trying to do something that is like a quick fix and in the end may give us a bigger headache than we need? Why are they opposed?

Mr Rutherford: I can only speculate that the government really doesn't want people to look too closely at this bill. I've had some experience in legal drafting and I was absolutely appalled at the provisions that are here.

I think if they can get it through without too much examination, it will be a done deal and there will be nothing anybody can do about it. That's what concerns us tonight.

Mr Bisson: I agree with you, because a lot of us who have read the bill in some detail — and I think you were right to bring Bill 26 into this, because you can't look at Bill 103 and say, "This is what it's all about." It's about Bill 26; it's about Bill 104; it's about the downloading. It's about all of those things, which is what you speak to.

That brings me to the third bullet point. You're asking the government to "delete all the arbitrary powers given to the trustees and to the transition team." I agree with you. That is really an undemocratic body that is being created by the government, not only in Bill 103 but also in Bill 104. Why do you think the government is unwilling to do away with this whole notion of trustees? Why do you think they don't trust that the newly elected Metro council — if they think that's the way it should be, why don't they give them the power to do what has to be done?

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Mr Rutherford: It seems to me that the government wants to control the new municipality. As well, they're making sure that people who agree with the government are going to be in a position of power in the municipalities. I think that's what's disturbing us when we examine this bill. There's something unprecedented going on here. I recall back in the early 1950s, when I was a legal adviser for the city of Toronto, right after Metro was created, there was a lot of direct consultation with the province. It wasn't an antagonistic thing. Both sides were anxious to make improvements and it was done in a spirit of give and take. I think after it was completed there was a feeling that everybody had gotten the best arrangements that could be done. That's not happening this way. It's the process that we're objecting to.

The Chair: Thank you, Mr Rutherford, for making your presentation this evening.

NORTH YORK PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Chair: Would Ken Bray please come forward. Welcome to the committee, Mr Bray. Would the gentleman beside you perhaps introduce himself at the beginning for the benefit of Hansard.

Mr Kenneth Bray: This is Jim MacIntosh. He's the secretary of the North York Professional Fire Fighters Association. I'm going to read from a prepared statement. I believe you all have a copy.

On behalf of the 640 men and women who are members of the North York Professional Fire Fighters Association, I wish to thank you for the opportunity to appear before the committee this evening. The purpose of our presentation is to express to you the concern our members have with the proposed amalgamation of the six municipal and Metro levels of government into one large megacity. As professional firefighters, our concern is for the safety of the citizens whose lives and property we protect. We are not a special interest group with no vested interest in this issue. Our association is not

opposed to change. However, change for change's sake concerns us.

When government initiates change, it must be based on a demonstrated need, solid research and thoughtful consideration of the outcome. Options must be explored; public consultation and stakeholder input are paramount. When firefighters are battling a fire in North York, the public often views our operations as disjointed. This is because they are not aware of the training, research and development that are required to maximize our operational effectiveness on the emergency ground. In developing our policies and procedures, we leave no stone unturned. Firefighters operate under a very defined command structure that allows for quick size-up and analysis of a situation. Everyone understands their role and the rationale behind the operational objectives and tasks which they have been asked to perform.

We have a strong sense that this government has not adopted this philosophy as it pushes forward with this legislation. In fact they also appear disjointed. However, unlike firefighters, their decisions are being made without thorough analysis and research. Consequently it appears the government is flying by the seat of its pants and has adopted a "Let's do it and see what happens" attitude towards amalgamation.

The proposed amalgamation will have a direct impact on the lives of 2.3 million people who live in Metropolitan Toronto. This legislation, if passed, will create a municipality with a population larger than our five smallest provinces combined. Decisions of this magnitude should not be made in haste.

The three Metro daily newspapers have campaigned in favour of amalgamation from the outset. The provincial government sponsored the KPMG report and its Estimate of Potential Savings and Costs from the Creation of a Single Tier Local Government for Toronto. The Metro level of government sponsored a report by Ernst and Young in December 1995 which addressed in part the amalgamation of the six Metro fire departments into one.

The provincial government has relied heavily on these reports. This causes us great concern as we believe this reinforces our position that they are pushing this legislation through without a complete understanding of the ramifications, particularly in regard to public safety. What other reasonable conclusion could you come to when you read the disclaimers contained throughout the KPMG report? I'll read those:

"Although the limitations of time and access did not permit a detailed examination or verification of the components of spending in the seven municipalities...." That's on page 2.

"Our analysis concentrated on operating expenditures. We did not try to estimate new capital requirements or the returns available from the disposal of assets made redundant by amalgamation" — also on page 2 of the report.

"A consulting assignment's focus is determined by the terms of reference set by the client. Recognizing the limited nature of these terms of reference is essential to understanding the report's contents and how our conclusions were reached." On page 4.

"We have relied upon the information provided to us by the Ministry of Municipal Affairs and Housing and have performed no original data collection or verification against original sources. Our findings are qualified by the limited time available for this study and by our reliance on the information available to us."

The KPMG report, by its own admission, has been done with time constraints, restrictions on terms of reference and no opportunity for verification of data.

The Ernst and Young report has been referred to by the government to support its contention that combining the six Metro fire departments will generate savings of between \$29.5 million and \$45.4 million, and this with a one-time transition cost of between \$34.9 million and \$40.9 million. There are also disclaimers contained in the Ernst and Young report which echo the same lack of solid statistical information on which its cost analysis was formulated:

"We were requested not to and did not have direct contact with any of the six municipalities' officials. We did not conduct any interviews or working sessions with these municipalities to verify or clarify the public information we used.

"In the case of fire services, our approach was to use the information available to build a 'future state' system by estimating what the level of service would be if it was delivered on a Metro-wide basis. The amount of information available and our ability to create an expert panel with individuals who have experience in fire service amalgamation provide the opportunity for this kind of approach."

Clearly, with regard to the fire service, there has been no input from either the Metro fire chiefs or union representatives. Rather, the government is relying on unnamed experts with no vested interest in the process. These biased reports have polarized the municipalities in clear opposition to Bill 103 simply because they were not able to corroborate or validate them. Armed with these reports, in the face of clear public opposition to amalgamation, the government is determined to press forward with this legislation. The government has clearly tried to discredit the referendum despite its own Common Sense Revolution promise to hold referendums on issues of significant concern to voters.

This legislation already suffered a significant setback when Mr Justice Lloyd Brennan shut down the trustees appointed to oversee spending during the transition period. Certainly it would make one pause to contemplate the motives of a government that would try to impose such sweeping powers as the trustees enjoy even before the legislation becomes law.

As employees of the city of North York, we find it difficult to see any benefit for ourselves or the citizens we serve in your proposal. Our municipality over the last five years has held the line on expenses in spite of \$17.6 million in provincial grant reductions and the loss of \$40 million in tax appeals. North York residents have not had a tax increase for five years. They enjoy the best services in Metro including garbage pickup, libraries and snow removal, along with many improvements in its infrastructure. Our city is virtually debt-free, with over \$200 million in reserves, not to mention maintaining an

adequate level of fire protection second to none in Metro. Mayor Lastman has been accused of trying to save his job in the debates on amalgamation. We're asking you, why shouldn't he? He is the mayor of the best city in Canada and I think that is a duty and an obligation he has to the citizens.

Specifically with regard to the amalgamation of the fire departments in Metro, we have several points to clarify. The level of service Metro residents currently enjoy for fire protection is set by the local municipality. In fact fire protection varies considerably, with each municipality able to manage its own needs.

The KPMG report indicates, "If any change in the municipal government results in increased levels of service (possibly as a result of pressures to match the services in the jurisdiction with the highest level) cost could rise." The report goes on to indicate it's working on the premise that service levels will remain as they are now.

It is reasonable to expect that someone living in the former North York would not want their level of fire protection reduced. Is it reasonable to expect that someone living in the former city of York would be content with their lower level of service when they would be paying the same taxes as all other people living in the municipality?

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There are a number of factors at play that lead us to be concerned that what the KPMG report has described as best benchmarking practices will reduce services to the lowest common denominator. As well, coincidentally, the government is proposing changes to the current Fire Departments Act in Bill 84, the Fire Protection and Prevention Act, which will allow municipalities to hire part-time firefighters, contract out fire protection services or privatize those services. If these two pieces of legislation are passed, one will be used to complement the other in establishing the new city's fire department organizational structure. If the lowest common denominator is used to establish a benchmark for service delivery in the new city, this will have an immediate negative impact on public safety.

It is no mystery to anyone that over 90% of fire department budgets are for salaries and benefits. The cost savings proposed by this legislation are not realized by efficiencies of service delivery such as centralizing fire-fighting communications or combining training, mechanical and fire prevention divisions. They are realized by reducing the number of full-time professional firefighters. This correlates to a reduction in the level of fire protection and fire prevention services currently provided to the citizens of Metropolitan Toronto.

Simply using the six-fire-departments-into-one rationale as a reason to amalgamate into one large department does a disservice to the 3,000 professional firefighters employed by the municipalities that make up Metropolitan Toronto. Ours is a multifarious yet structured emergency service. The superficial examination of our service undertaken by KPMG and Ernst and Young does not even begin to address the complex issues that would be raised by your proposed amalgamation.

The Boychuk report in 1987 looked into the amalgamation of the fire service in a report submitted to them by Mr T.A. Wedge. He indicated the political feasibility of amalgamation seems questionable in spite of the overall saving which seems theoretically possible. This study on amalgamation was initiated in November 1984 and completed in November 1987. This report took three years to complete and had input from fire officials in the municipalities.

In conclusion, we ask that you re-examine this matter, scrutinize all your options carefully, solicit and heed stakeholder advice and above all move cautiously. This legislation will have a dramatic impact on the GTA, the province and Canada, and we believe the onus is on the government to act responsibly in addressing this issue.

The Chair: Thank you very much, gentlemen. Unfortunately you've gone a little bit beyond your allotted time. I want to thank you on behalf of the committee for coming forward and making your presentation today.

EILEEN SIMMONS

The Chair: Would Eileen Simmons please come forward. Good evening. Welcome to the committee.

Mrs Eileen Simmons: Thank you for inviting me to speak.

I concur wholeheartedly with most of the criticism of Bill 103. I would like to explain exactly how this amalgamation plan will destroy my neighbourhood and to propose some alterations to the plan.

My neighbourhood of north Toronto reaches right up to the boundary of North York, to what is called the city limits. This neighbourhood is privileged and affluent and conservative, both large- and small-c.

In addition to a magnificent physical setting we are also fortunate in having an abundance of public facilities. We have libraries, skating rinks, tennis courts, and most recently we got a lovely new community centre.

These facilities are well used, and I believe that they contribute to the physical and mental health of the people in this area. But these facilities did not simply happen. We were fortunate in having a city councillor, Anne Johnston, now a Metro councillor, who met with us, listened to our concerns and worked with us to make this happen.

As a neighbourhood we met, in the best spirit of democracy, to discuss these developments and to express our views. We have been very fortunate in having city councillors who live with us, raise their children here and share our values. They are responsive and they truly represent us. I cannot tell you how many times these councillors have been at my door and at meetings and how thoroughly accessible they are, each with a very small staff indeed. My point here is that these ward councillors represent us both effectively and economically. I do not expect mega-ward councillors to be either accessible or inexpensive.

It would be a mistake to think that my lovely neighbourhood, which was built in the 1920s and 1930s, would still be here if we had not fought to keep it. Many times since I moved to Toronto from Don Mills 28 years ago, I have joined ratepayers' groups and city councillors to fight against development that would have destroyed the

neighbourhood. Despite the fact that we are affluent, articulate and well organized, we would not have been successful in any of these struggles without the help of our city councillors, who have gone to great lengths to help us.

Thus, I resent greatly the use of the term "politician" in the derogatory sense and the further implication that city councillors are lazy and self-serving. I ask you to note the irony here, in that we were able to have the maximum amount of democratic discussion and representation on relatively minor issues such as sports facilities, while we have been told by the provincial government that we will have no input whatsoever into plans for amalgamation, a scheme that will cause radical changes in our lives for a very long time.

Under the current amalgamation plan, this neighbourhood as a social and political entity will be dismembered, fractured and destroyed. I will find myself in one of two wards carved out of the federal riding of Eglinton-Lawrence, a large rectangle that overlays both the city of Toronto and North York. Most people in the ward will be from North York. Like any forced marriage, this amalgamation plan completely ignores the distinct needs and the deeply held values of the partners.

Toronto is a city, and although North York calls itself a city, it is suburban in character. It has different planning and zoning and different values and priorities. I and the people in my North Toronto neighbourhood who do end up in one of these wards will comprise only a tiny fragment of the electorate, and we will have very little influence on the ward councillor. Thus, how can this mega-ward councillor possibly be counted on to advance our local interests? I do not like the idea of neighbourhood councils as a substitute for an elected, accountable representative, and, anyhow, a neighbourhood council is quite meaningless, isn't it, when your neighbourhood no longer exists?

The remainder of my neighbourhood, not falling into these two wards, will fall into perhaps two other wards. I want to make it very clear that the fact that we will now have to appeal to about four councillors in extremely large wards where we form a tiny minority does not, as one Conservative MLA contends, increase our representation; it decreases our representation and undermines our effectiveness.

I expect that we will no longer be able to defend north Toronto against, for example, monster housing, increased high-rise building and expanding parking lots. Suburban planning, zoning and values will eventually win out and north Toronto will not look the way it does now.

The dismemberment of my neighbourhood will mean that everything I and my neighbours and successive city councillors fought for, for decades, will be lost. We will be anonymous and atomized and, most likely, will not even bother to vote for a councillor who neither knows us nor represents our interests. The vital connection between us and our elected representatives will have been severed. The bonds of trust and affection built up over the years in a common struggle to preserve and enhance this neighbourhood cannot be replaced. It is not difficult to conclude that this is precisely what the government wishes to accomplish.

Finally, the downloading of social welfare and other services, the inevitable increases in property taxes to pay for these and for amalgamation itself, pitting homeowners who want to keep their taxes down against the needy and the elderly, will cause social conflict. Maintenance of public and private property will deteriorate as funds prove inadequate. We will see user fees and perhaps closure of libraries and recreational facilities. Public transportation will deteriorate further with the loss of the provincial subsidy.

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I vigorously oppose amalgamation above all because of the undemocratic process, poor research into costs and the failure to show any concern about destroying the social fabric of a city that really is better to live in than most in the world. However, if you are at all willing to listen — and I have to hope that you are — please begin to make changes in the plan first by keeping Toronto intact. Draw the boundaries so that they do not sever existing wards. Do not blur the boundaries between Toronto and North York or between any of the existing municipalities. This will, to some extent, protect the integrity of existing neighbourhoods. Do not insist on cutting federal ridings to form wards, and think again about the wisdom of limiting elected representatives to 44. Finally, promise that the city can keep its own planning and zoning. In this way, you might be able to create something without destroying everything.

The Vice-Chair: Thank you very much, Mrs Simmons. Mr Hastings, we have about a minute and a half.

Mr Hastings: Mrs Simmons, you're opposed to amalgamation, yet if I recall correctly, your Metro councillor Anne Johnston voted for it at Metro council.

Mrs Simmons: I'm not responsible for Anne Johnston.

Mr Hastings: You cited her as an example of a politician who is accessible.

Mrs Simmons: Not now. I cited her when she was my ward councillor, at the time when we had two ward councillors. She then went off to Metro, and she has her own rationale for supporting amalgamation, and I am not about to venture on that.

Mr Hastings: In your presentation you did not mention anything about assessment reform or the level of taxes that people pay for services. I'm curious as to what your own and your residents' association's position is on actual value assessment.

Mrs Simmons: I'm not a representative of my residents' association. May I speak for myself?

Mr Hastings: Sure.

Mrs Simmons: I think my property taxes are high, and I want to tell you I'm very happy to pay them. I come from the United States; I'm a Canadian citizen, and I've lived here for 35 years. I'm very happy to pay taxes here, because I get something for my taxes. I get schools —

Mr Hastings: Do you believe that your taxes are fair and equitable?

Mrs Simmons: Just a minute. I get schools —

The Vice-Chair: I'm sorry to interrupt, but we have run out of time.

Mrs Simmons: May I finish?

The Vice-Chair: Thank you very much, Mrs Simmons, for being here this evening.

HARVEY SIMMONS

The Vice-Chair: I'd like to call on Mr Harvey Simmons, please.

Interjections.

Mr Gerretsen: The pot calling the kettle black.

The Vice-Chair: Order, people.

Mr Bisson: I've got a question to the Chair. Is it parliamentary for the member of the government to call the Liberal member a clown?

Mr Gerretsen: Did he call me a clown? I demand an apology.

The Vice-Chair: Order. We're going to hear our deputant.

Mr Gerretsen: I demand an apology. That's a point of order. I don't think any member here should be called a clown by anybody else. I'd like him to apologize.

Mr Bisson: Chair, you do have a responsibility.

The Vice-Chair: We'll ask for our deputant.

Mr Gerretsen: Well, could you ask him to apologize?

The Vice-Chair: No. I want order.

Mr Simmons, welcome to the standing committee. You have 10 minutes in which to make your presentation. Please begin.

Mr Harvey Simmons: For the last 32 years, I have taught political science at York University. I give a course called Introduction to Democratic Politics. I must say I've been appalled by the way this government has handled Bill 103. It's not the substance of the bill so much, although I'm bothered by that, but rather the way the government has handled it reveals a lot about the way this government thinks and acts.

In the Common Sense Revolution, and then later in government, the Harris Tories attacked "special interests." Early in its term, however, this government served the special interests of the snowbirds by ensuring complete provincial coverage of health care; it served the special interests of speeders by eliminating photo-radar; it served the special interests of developers by attacking rent control; of polluters by reducing environmental controls; and of a myriad of other groups to which it is beholden.

Certainly governments have an obligation to serve the interests of those who support them — I have no problem with that — but this government's continuing use of the derogatory phrase "special interests" to characterize opposition, and the sheer hypocrisy involved, denigrates the political process and contributes to declining respect for that process. Taking their cue from American politics, the Harris Tories have done everything they can to lower the tone of government in Ontario to the same abysmal level as in the United States.

When a government constantly uses the term "politician" in a derogatory sense and when it passes a bill called the Fewer Politicians Act, its intention clearly is to undermine respect for politics and politicians. The Harris government not only attacks the democratic process by word, it also attacks it by deed.

The Common Sense Revolution says, "It's time for us to take a fresh look at government...to make it work for people." How did the Tories make government work for the people? By reducing the number of our provincially elected representatives from 130 to 99, thus reducing the

weight of my vote by one third. Does this make government work for the people?

Bill 103 will increase the size of municipal constituencies in the megacity by about 30%. Right now there's about one councillor for every 40,000 citizens in the city of Toronto; under the government's proposal, there will be one councillor for every 52,000 citizens. My vote will count one third less than it does now in the city of Toronto. How does that help government work for people?

Not content with reducing the power of my vote at the provincial and local levels, the government also intends to sharply reduce the number of school trustees. Once again, my vote will weigh less in the balance than before. How does that help government work for the people?

I understand what the government is doing. It said it quite explicitly. "Working for the people" is calculated exclusively in dollars-and-cents terms, and I suppose there's a rationale for that, and so the government can cut costs, clearly, by reducing the number of elected representatives. But the absurdity of that logic should be obvious. Why stop at 44 councillors for the megacity when you could cut costs 50% more with 22 councillors?

Interjection: You could reduce it further to zero.

Mr Simmons: And you could reduce it to zero. Under the Tories, democracy is a commodity to be discounted and sold as cheaply as possible.

Under the heading "Less Government," the Common Sense Revolution says: "We will sit down with municipalities to discuss ways of reducing government entanglement and bureaucracy with an eye to eliminating waste and duplication as well as unfair downloading by the province.... But by the end of our first term, taxpayers deserve a restructuring of these cumbersome bureaucracies. Resolving the issue of efficient local government will take a great deal of hard work. It is rare that politicians and bureaucrats voluntarily surrender power. But it must happen. It's time to stop government growth once and for all." That's from the Common Sense Revolution.

Note that the term "bureaucracies" or "bureaucrats" appears three times in one paragraph, always in a negative sense. Note that the terms "entanglement" and "bureaucracy" are linked to "government." Note the slighting reference to politicians and bureaucrats, who, according to the text, rarely voluntarily surrender power. Obviously, in the Common Sense Revolution, government is bad because government means entanglement in, one presumes, red tape, and government means bureaucracy. Again, this is a deliberate and cynical attempt to denigrate government, our government, our representatives, in the eyes of the public.

The Common Sense Revolution says, "We will sit down with municipalities." This conjures up a picture of Mike Harris and Al Leach sitting down by the fireside in a chat with municipal politicians. It implies respect, reciprocity and a willingness to listen, but these words turned out to be empty rhetoric.

At a small municipalities meeting in Stratford in May 1996, Mr Leach is described as "tirelessly repeating the chorus of the Common Sense Revolution: Restructure yourself or have it done for you" — I'm quoting here from a newspaper account — "As the minister said in his

luncheon speech: 'I have repeated the message over and over. Ontario municipal officials know that only too well.'"

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This does not sound to me like a fireside chat; it sounds more like a threat. It sounds like blackmail: "You do what we want or we will do it for you." Where is the democracy in that?

Let's look at what happened in Canada 136 years ago. In 1861 the total population of Canada was 3.1 million people. It took the Fathers of Confederation two years of discussion, debate and meetings to work out an agreement. By contrast, the Harris government tried to steamroller Bill 103 through the Legislature, without serious public discussion and before opposition could mobilize. Everybody has already talked about what's being created here: a city with a population bigger than that of the provinces of Newfoundland, PEI, Nova Scotia, New Brunswick, Manitoba and Saskatchewan; a megacity which will have the combined population of Manitoba and Saskatchewan — all that to be produced in five months.

The proposals for the megacity first hit the newspapers in October 1996 and the bill was introduced six weeks later. Mayor Michael Prue of East York stated before this committee that he first learned about the megacity proposal from a "tiny column" in the *Toronto Sun*. It was only after massive public outrage that the government agreed to these public hearings.

I thought, and I teach, that governments in parliamentary democracies, especially those that win a majority, have a special responsibility to listen carefully to opposition, to use their power prudently and to avoid the temptation of overbearing or authoritarian actions. I thought that governments in a parliamentary democracy, and I so teach, had a special duty when preparing major legislation to carefully marshal their facts, to provide time for public discussion and consultation and to take relevant objections into account. Apparently this government does not share this view of parliamentary democracy.

When another PC Premier, Bill Davis, a man of much greater political stature than the current Premier, realized the extent of opposition to the Spadina Expressway, he stopped it. He might have ignored the opposition but he didn't.

In the face of opposition which, in my opinion, is even greater in size and more unified in nature than during the Stop Spadina campaign, what does the current Premier do? He denigrates the Metro referendum as a slam dunk. His Minister of Municipal Affairs claims, against all evidence, that there is support for amalgamation in Metro.

The sad fact is that a government which in the Common Sense Revolution said it wanted government to "work for people" has held government and politics up to contempt and it's ill-prepared as well. I attended Bill Saunderson's meeting in North Toronto, my MLA. He told the assembled citizens that the crime rate in American cities was as low as in Toronto, which is sheer nonsense. He said people would be as well represented in local constituencies even if their vote counted 30%, which is nonsense. At 9:15, at what he called a town

meeting, he said he had another appointment. When people asked, "What appointment?" there was no answer and he ran from the room.

This is the way this government treats the public: It denigrates our representatives; it dilutes democracy; it tries to ram through radical and extraordinarily important legislation without consulting the public; and then, when hundreds of citizens express their despair and dismay, the Premier and the Minister of Municipal Affairs denigrate their views.

What do I propose? I think the government has two choices: It can push the legislation forward, ignoring protests, and then reap years of sullen resistance and discontent; or it can admit that the issue is important, that it needs at least a year or maybe even two years, like the Fathers of Confederation, for further study, discussion and debate. If the government had the courage of its convictions, it would give the public a chance and follow the example of the Fathers of Confederation and set aside some time for public debate.

Mr Gerretsen: Thank you very much, sir, for an excellent presentation. I too share with you the same concerns about the whole denigration of the political process and politicians as well, as if the politicians cost all the money. Particularly outside of a place like Metro Toronto, most politicians at the local level serve for very little remuneration. This whole notion of, "If we just do away with a third of them, we'll all be better off" is something that I think most people find very appalling.

You may be interested in knowing that not in all amalgamation situations has the government acted quite the way it has here. In my own situation in the Kingston area, for example, they appointed three trustees as well. Who did they appoint as trustees, in the same situation as the trustees we're talking about here? The three local mayors and reeves. They in effect were going to be burdened, saddled or given the job to make sure the assets wouldn't dissipate and that sort of thing, which is of course exactly what their function is as leaders of the municipality anyway.

The question I have of the government members is: Why wasn't that kind of model followed here in Metro Toronto? I wonder if you've got any comments on that?

Mr Simmons: I think it's a get — I shouldn't say it's a get Toronto movement. Obviously, they felt there would be a lot more resistance in Toronto to what they did. Let me just return to the point that bothers me terribly, and that is the denigration of politicians. I must be the only person now in Toronto who thinks politicians don't even get paid enough. I don't like even the reference to gold-plated pensions. I used to think it was a public service to be a politician. What this government I think will bring about is a situation in which only the rich or those at leisure will run for politics, and everybody else will be unable to serve. I just don't understand the logic behind this because, as I say, what it leads to is a denigration of the very office these people are supposed to fulfil, and I assume try to fulfil, to the best of their ability.

The Chair: Thank you, Mr Simmons, for making your presentation this evening.

ANDREW SPENCE

The Chair: Would Andrew Spence please come forward. Good evening, Mr Spence. Welcome to the committee.

Mr Andrew Spence: Thank you very much for allowing me to appear tonight to speak with regard not only to Bill 103, but in the broader context to all the other bills that are involved in this wide legislative effort.

As the senior economist for a major international investment bank, I was heartened to read on the back of the last budget document that the mission of the current government was to restructure provincial finances with a positive view to the future: "The people of Ontario want to know that tomorrow will be better than today — for themselves, and for their children."

I find it unfortunate then that the same provincial government could not pursue legislation with regard to restructuring local government consistent with those same objectives. My analysis of Bill 103 suggests to me that tomorrow in the city of Toronto will be considerably worse than it is today.

The objectives of Bill 103, to streamline government in the hopes of cost and efficiency savings, has in my opinion not been proven to be of sufficient magnitude to offset the downside of government proposals, namely, to diminish the relationship and contact between local communities and their elected officials. Future decisions taken on a multitude of local issues will increasingly reflect the views of the bureaucracy and their interests, rather than those of local residents.

I foresee the quality of life in central Toronto to be irreparably harmed and depleted as a consequence of these proposals, and in the absence of any mention of these objectives in the Conservative manifesto in the last provincial election, I feel the government has deliberately misled me as to what course its actions would take upon assuming power.

This compels me then to appear before you today to voice my opposition, if it's not obvious, to Bill 103. In the absence of any rigorous preparation or consideration of the bill's future consequences, no proposal is perhaps more misguided or ill-considered than the swap of education expenditures for the costs of welfare, long-term health care and social housing, which Bill 103 in its current form enables, along with Bill 104.

The government's objectives in such a swap are not clear, but I see them as directly related to the rash and ill-conceived promise to reduce provincial income tax rates by 30% before provincial finances were healthy enough to absorb such a dramatic erosion of the tax take. Having cut social expenditures radically in 1995 and undertaken to hold health care costs stable, the government needs the perceived fat in education expenditures to pay for the next leg of the tax cut.

Downloading welfare costs also has the convenient characteristic of stabilizing provincial finances horribly destabilized by an eroded tax base. It removes a highly cyclical item of spending from the expenditure side of the provincial income statement, so that in any future downturn only the revenue side of the income statement will suffer slippage. This allows future deficit targets to be

met even with the serious erosion of the tax base from an estimated, by some, \$6 billion worth of tax cuts. When the next downturn inevitably arrives then, the contingent liability of higher welfare costs will become a municipal responsibility.

Through Bill 103 the government of Ontario then proposes to download huge liabilities on to municipalities with a very narrowly defined, highly mobile tax base. The rate at which taxation is levied will not be based on ability to pay, nor will it be progressive. While property taxes in some way increase with property values and in some way amount to an attempt to tax wealth, they are more properly geared to services provided — or taxation proceeds according to the benefit principle.

Taxation for welfare expenditures, by contrast, normally proceeds according to the principles of income redistribution and is paid for according to ability to pay, which is both equitable, progressive and efficient. The current proposals enabled by Bill 103 allow a new regressive tax regime where provision will take the form and shape of private insurance.

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In the absence of any ability to borrow on a large enough scale to smooth the lumpy nature of such contingent liabilities, skyrocketing expenditure on welfare programs will force municipal officials to face the dilemma of either hiking taxes on a base that can simply get up and walk away to competing jurisdictions, or to reduce the per capita welfare benefit to the point where it will be virtually worthless.

The decision to fund highly cyclical items of public spending from such a narrow tax base defies rational and careful analysis and is simply arbitrary. Arbitrary taxation that was based not on ability to pay but on where one chooses to reside has in the past proven to seed unrest. It has also, I might add, unseated leaders who push on arrogantly with little regard for the political consequences.

I would remind Conservative members of this committee, and perhaps they need no reminder, that it was the inequitable poll tax that finally undid former Prime Minister Margaret Thatcher, who had previously commanded respect and support on many controversial issues across a broad swath of the electorate. In the final analysis, it was decided by the UK government that local government would be funded over as large a tax base as possible to minimize local distortions not only in service provision but also in local levels of taxation. The UK ultimately hiked the VAT rate by 2.5%, but not before the former Prime Minister was sent scurrying from office. We in Ontario, in our wisdom, are proposing to do exactly the opposite.

How then will Bill 103 play out in local terms? Let us assume that the provision of welfare is a compulsory insurance scheme, where those with higher incomes pay higher premiums for a benefit they will in all likelihood never receive. Under these circumstances, the inequalities and failures of private insurance in matters of welfare and health care are widely known and explain why just about every major industrialized country outside the United States has chosen not to make the principles of insurance the cornerstone of public policy.

Insurance distinguishes between good and bad risks. Both Metro Toronto and the surrounding suburbs, popularly known as the 905 belt, have a mixture of good and bad risks. The good risk is the individual who is very unlikely to claim welfare, and the bad risk is somebody who has a higher probability of doing so. It's well known that Metro Toronto has a far larger proportion of these bad risks than competing jurisdictions and certainly has more the number of good risks who will be forced to pay for it.

In an economic downturn then, the line between success and failure becomes very fine and the demand for such services goes up. Some good risks cross the line and become bad risks who go on to make claims on the system. The new higher cost of claims falls disproportionately on a diminishing tax base between the new city of Toronto and the existing 905 area.

Faced with the probability of higher taxes to cover the rising welfare burden, the disinterested, affluent and mobile individual will choose to head for the 905 belt with its smaller pool of bad risks and lower tax base. Here what we call adverse selection will drive out the good insurance premium base, leaving only bad risks whose rising demands on the city will threaten the local government with both bankruptcy and accelerated urban decay.

What I feel Bill 103 offers people in Ontario and people in Toronto in its current incarnation is self-selection of welfare coverage on the basis of residency. It switches taxation regimes from ability to pay, which embodies notions of fairness and equity, to the benefit principle of taxation, namely, "I don't use welfare; I'm not going to pay for it."

The reason governments are in the business of welfare and health provision in the first place is that the private market will accurately predict who is a bad risk and it will exclude that individual from coverage. Private insurers seek to identify and avoid moral hazard, to promote self-selection to exclude those who need the services most.

Not only will Bill 103 undermine the vitality of downtown life, in my view it will also threaten the financial viability of our city. It will also create a private insurance market for claims against ill luck and the destruction of private wealth that the invisible hand of the economic downturn deals.

Bill 103 will effectively isolate welfare programs which are seen, in the current meanness of the times, as undesirable transfers to the undeserving poor. We will therefore punish the poor. We will make their programs the responsibility of the level of government that is most ill-equipped to deliver them, to push them to the outer limb on the vine we call government, where they will wither through drought and ill-husbandry.

Neither the amalgamation of the city of Toronto nor the ill-conceived plan to download welfare and health costs was spelled out in what seems to now be an Orwellian-entitled Common Sense Revolution, which in my view substituted assertion and dogma for a respectable election manifesto. As a consequence, the citizens of Toronto and the citizens of other municipalities across Ontario have yet to be consulted on the propositions

embodied in Bill 103. I humbly suggest the government of Ontario has no popular mandate to proceed with this extremely damaging legislation.

But if we must proceed and if we must restructure local governments through amalgamation, then why create an artificial division between the 416 and 905 areas? Why not do so and push ahead in the greater Toronto area under the authority of governments that have been duly elected, not under quangos appointed by the current government?

Don't download welfare costs. If the province wants education, then increase income taxes to pay for it. If the objective is to make common standards across the province, this can be achieved that way. If you still want to deliver tax cuts to individuals in the province, members of the government, then I suggest you cut property taxes to do so, and maintain welfare spending at the same level as it is today, not only to protect the integrity of the tax system but also to maintain the integrity of our current cities.

The Chair: Thank you very much, Mr Spence. You've basically used exactly 10 minutes in your presentation. Thank you for coming forward this evening and making your presentation to the committee.

ANNE STEPHANIUK

The Chair: Would Anne Stephaniuk please come forward. Good evening. Welcome to the committee.

Ms Anne Stephaniuk: I'd like to thank the committee for allowing me to make this deputation regarding Bill 103. Just as an introduction, I am a businesswoman who works on Bay Street, so let's say money is important to me. I have been actively following this issue since the announcement by the Harris government last December that it would force through legislation creating a megacity. This is an issue that I feel affects me deeply, so I have followed this issue closely.

I have attended these hearings three times — this is my fourth visit — have a stack of newspaper articles at home, have followed the information presented on the Internet and attended various meetings about Bill 103 all over the city. I even went to hear Mr Leach speak in his riding.

There has been lots of information floating around about this issue. However, I am not convinced that the government has presented any solid evidence that amalgamation will save taxpayers' dollars, preserve our neighbourhoods and not result in people fleeing the downtown core, or that it is inevitable.

My first concern is with the assertion by the Harris government that amalgamating Metro and its six municipalities into a megacity will save the taxpayers money.

Let me take you back to December 1996 when I first heard about Bill 103. On December 17 the lead article in the *Globe and Mail* stated, "Ontario's Conservative government has decided to merge the six municipalities that make up Metro Toronto into one large city." The article went on to state further that Mr Leach argued that the amalgamation would produce tax savings. This statement was supposedly backed up by a study the government commissioned by KPMG. This study cost the taxpayers \$100,000, by the way.

However, in the same article, Mr Ron Hikel, a KPMG partner, stated, "There has been no amalgamation, of which I am aware, in the current fiscal environment that would demonstrate the certainty of savings in Metro Toronto." The warning bells started to go off, especially when I turned to the inside pages and saw the title "Amalgamation Savings not Guaranteed."

Since that time the government has insisted, "Trust us, amalgamation will save money." However, it seems that given enough time, the real facts have a habit of emerging. The assertion by Mr Leach and the Harris government that amalgamation will result in cost savings has been revealed to be wishful thinking. Even if Mr Leach continues to insist that there are savings to be had, and the experts seem to say the opposite, amalgamation will cost the taxpayer more.

I thought it rather ironic that the KPMG study was refuted and disproved by a competitor, Deloitte and Touche, in the battle of the chartered accountancy based management consultants, and they only charged \$3,000.

On February 26, the results of the study by Deloitte and Touche commissioned by East York were written up in the *Globe and Mail*. It stated:

"The Deloitte and Touche review disputed the assurance of savings of \$865 million in the first three years and \$300 million annually after that.

"We do not believe, however, that there will be any significant savings as a direct result of the proposed amalgamation over the next five-year period."

In a lovely example of professional courtesy, the critique also pointed out that the KPMG auditors were forced to make a number of assumptions that may not hold true, including that there would be no changes in existing collective labour agreements, that service levels would stay the same and that there would be few cases of employee termination and severance packages.

The Deloitte and Touche report also went on to state, "It is difficult for us to accept that amalgamation of local governments will allow for many efficiencies that cannot be attained by the governments currently in place."

As I mentioned previously, many others have shown that amalgamation won't produce cost savings.

Just thinking about how much it will cost to amalgamate the computer systems across the new megacity makes me cringe, and then they would have to get the new computer systems to work — no small feat.

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Probably the only people who would benefit from amalgamation would be consultants. Actually, I know quite a few consultants who are now willing to work for food, so maybe they'd welcome the work. I know, I've been there. But seriously, I haven't been convinced that amalgamation will benefit the citizens of Metropolitan Toronto.

At a minimum, every citizen deserves a detailed accounting of what the proposed amalgamation would cost. I would like to point out that it is our money the government is foolishly spending.

I think megacity will cost more money. I'd like to point out that Mr Harris thinks so too. In Fergus, Ontario, Mr Harris spoke these words: "There is no cost for a municipality to maintain its name and identity. Why

destroy our roots and pride? I disagree with restructuring because it believes bigger is better. Services always cost more in larger municipalities."

I think he was in opposition at the time.

So what's the answer to megacity? The government only needs to go as far as the Crombie panel and the Golden report for a sensible alternative.

However, the government's cooking of the books is not the only reason I oppose Bill 103. I expect, at least, the government to present us with the facts; instead, this government insists on perpetuating untruths to bolster its assertion that amalgamation will be beneficial. I find this insulting.

In a speech on February 26 to the Canadian and Empire clubs, Mr Gilchrist, who has left the room, stated that "60 studies done just in the past five years" have recommended consolidation of services to save money.

I don't want to sound like a broken record, but where are those 60 studies, the proof? I haven't heard anyone else quoting any of these studies. If there were 60 studies, why did they commission the KPMG study?

Mr Gilchrist also stated in the same speech that the Metropolitan government delivers 72% of local services. I have also personally heard Mr Leach make that statement. I think these two gentlemen hope to give people the impression that since most spending is already consolidated, we'll just upload the other 28%. It's nice and simple.

This is another example of creative bookkeeping. I have yet to see how the government arrived at this figure. I was further amazed at the audacity of Mr Gilchrist to continue perpetuating this impression six days after it was effectively dismissed in an article by John Barber in the *Globe and Mail*. On February 20, Mr Barber gave what I thought was a clear explanation of how the government came up with the 72% figure — they pulled it out of the air. According to Mr Barber's analysis, if you make a fair comparison of spending, only 54% of spending occurs at Metro and 46% at the local level. He goes on to state that if you incorporate the recommendations of the Crombie and Golden groups into the equation, Metro's share of total spending falls to 44%. The result is a lean regional government and strong local municipalities. I'd go for that.

Further in his speech Mr Gilchrist also stated that no widely supported alternatives to the megacity proposal exist. I bet Anne Golden's ears were burning.

Might I remind the government that Anne Golden's vision, which is based on broad-based regional co-operation, is not only a clear alternative; it enjoys the support of figures as diverse as David Crombie and Hazel McCallion.

Anne Golden has stated: "If amalgamation solves the problem, that problem has yet to be identified. The main point about the megacity for Metro is that it misses the point."

Here we have another example of the government trying to manufacture consent.

Mr Gilchrist and Mr Leach are loyal lieutenants of Mr Harris. They really have a tough job trying to sell this to the populace. Blind loyalty is one thing, but please don't

continue to make claims when there is evidence to dispute your assertions.

As long as this is still a democracy, I think Mr Harris should abide by the wishes of the people, not just in Metropolitan Toronto but in all the municipalities across the province.

Mr Harris has said, "Leadership and reflecting the will of the people must go hand in hand." If this referendum is not a wakeup call, I'm certain Mr Harris and Mr Leach will be listening when the people speak at the next election. I don't know what the results of the voting on this issue of creating a megacity will be, but all the polls say it will be a majority No vote.

Mr Harris, that is no — no amendments or any other tricks with smoke and mirrors can make this plan acceptable to the citizens of Metropolitan Toronto. What this bill will do is destroy one of the finest cities in the world.

Wendell Cox, the US expert, spoke in a recent article:

"If you implement megacity, you are going to remove democracy, services are going to decline, taxes are likely to go up, and you are going to see businesses scatter to 905, to 604 and 403 and any number of other places.

"The bottom line is that you are looking to pay \$200 million to \$400 million in transition costs to dilute democracy and to create a structure that will be more expensive for you in the future."

Megacity may be a revolution, but it's not common sense.

Mr Harris, keep your hands off our municipalities. The real issues are regional issues. Go back and read the Golden report and the Crombie panel's recommendations. Both of those reports identified the economic and administrative fractures across the entire urban region, not just within the city, as by far the biggest problem facing Toronto. Deal with the real issues. You have our attention. We are ready to help you make this province the best place to live in the world. In short, I believe this bill cannot be amended and must be thrown out.

I'd like to thank the members of this committee for listening so attentively to the individuals who have come before you to present their views on Bill 103. I would also like to thank the individuals who took the time to come before this committee to present their views. I found their comments to be well thought out, insightful, full of common sense and offering many creative alternatives to the megacity.

I urge everyone in Ontario to become a little bit more active in the political process. If you do not safeguard your right to have your voice heard and listened to, it will be taken away. And believe it or not, politicians are just people too. Our MPPs are voted into office to present the views of the people, their constituents, to the government. The government should not abuse its power to present the ideology of the government to the people.

The Chair: Ms Stephaniuk, we've gone a little bit beyond your 10 minutes. I wonder if you could really quickly wrap up.

Ms Stephaniuk: Okay. I guess it was kind of funny because I was spellchecking this document and when the word "megacity" came up, the spellcheck said "Not in the dictionary." So I think maybe the gods have spoken. Thank you.

The Chair: Thank you very much for coming forward and making your presentation to the committee this evening.

Mr Bisson: Not according to Webster.

DELOY REID

The Chair: Would Delroy Reid please come forward. Good evening, Mr Reid. Welcome to the committee.

Mr Delroy Reid: Members of the committee, I'm happy to make submissions before you today on Bill 103. First, I'd like to congratulate all the committee members who have taken part in the process of these hearings on the bill. You have demonstrated, in my opinion, equanimity and fairness. Over the past few weeks, I've watched quite a few hours of these hearings on the Legislative Assembly's television service and I know of times when the goings were tough.

My name is Delroy Reid. I'm a citizen and resident of ward 6 in the city of Toronto. I have lived for more than 23 years exclusively in the Metropolitan Toronto area.

I'm trained as a political scientist at York University here in Metro Toronto. I'm not a member of any of the political parties in Ontario, and I do not believe that I come before you as a member of any so-called special interest group, which in my opinion is just a terrible catchphrase to sanction discrimination against minority groups at the level of employment and the distribution of social services in this province and elsewhere.

I do come before you as a citizen concerned about the fundamentally undemocratic nature of Bill 103 and the atmosphere of intolerance underlining the passage of the bill. My own position on Bill 103 was shaped only after reading reports on both sides of the issue in the local press and after viewing and listening to many hours of debate on the Ontario Legislature's television service.

Today I voted no to the amalgamation question in Toronto's referendum on Bill 103. It is my contention that if this unpopular bill is not withdrawn by Ontario's Conservative government, the six municipalities extant in Metropolitan Toronto will be amalgamated into a single unit to be called the city of Toronto effective January 1, 1998. Of course this is also the contention of others.

By now, the clauses of Bill 103 are widely known. Suffice it to say that the bill will create a single municipal council to govern more than two million residents in the current Metro Toronto. It will put the present seven municipal councils in Metro under trusteeship. It is my understanding that if and when Bill 103 receives royal assent, it will give three trustees appointed by the Tory cabinet and reporting to the Minister of Municipal Affairs and Housing, Al Leach, the power to approve or disapprove of almost anything elected officials wish to do in the interests of Metro residents. Astonishingly, the 1997 municipal election due in November will be conducted by Al Leach himself and not the traditional civic personnel who normally do this kind of work.

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Finally, the structure of the new city of Toronto, including its staffing, will be determined by a transition team appointed by the Tory cabinet and reporting to Al Leach. It is provided in Bill 103 that the elected members

of the new megacity may not overturn decisions made by the transition team; neither may any of these said decisions by the provincial appointees of the transition team be challenged in a court of law.

It is precisely because of the dictatorial and autocratic nature of this bill that there has been so much political commotion in Metro of late. Some critics of Bill 103 and certain other bills announced by various cabinet ministers during the mega-week blitz suggest that their harshness and rigour are more reminiscent of the work of Draco, the Athenian lawmaker, than of a responsible government in an industrial, multi-party-type democracy such as Canada.

Ordinary local citizens right across Metro have developed a grass-roots movement that is sending shock waves throughout the Tory caucus at Queen's Park. I have seen media reports before February 25 of local citizens chasing after Bill 103 trustees in the corridors of the assembly itself to have words with them. It is believed that the trustees had been instructed by Al Leach not to speak to members of the public on municipal matters.

Demonstrations by members of the public are beginning to break out in the galleries of the Ontario Legislature during question period. Metro Toronto residents calling themselves Citizens For Local Democracy have marched on Queen's Park in their thousands in an attempt to symbolize the William Lyon Mackenzie-led rebellion of 1837 against the Family Compact, a small élite group made up of bankers, bishops and property owners here in Ontario. Some opponents of the current Tory legislative agenda believe that the Family Compact of 1837 has been replaced by the Corporate Compact of 1997.

Even right here before you at these hearings on Bill 103 there are moments when a circus atmosphere has prevailed. I know, for example, that a group of senior citizens known as the Raging Grannies did make their deputation before you in the form of a song entitled "Mr Harris, Give Us a Break," which they rendered to the tune of "Mr Sandman."

Like some other observers of Bill 103, I have come to appreciate that it is linked inextricably to the Tory announcement during mega-week that the costs of certain provincial responsibilities will be offloaded to the municipalities. Under these conditions, recent public opinion polls are showing that a majority of respondents across all the demographic groupings in Metro believe that property taxes will increase as a result of the download.

There exist representatives of various racial minorities and immigrant groups who believe that the provincial download will create even more havoc in their communities. They know generally that in the field of employment the so-called visible minority member is typically the last to be hired and the first to be fired, as the saying goes. It is believed that when property taxpayers in megacity are required to pay for services, such as welfare and public housing, hate crimes against non-whites and racism will increase in Toronto.

Others believe that the Tory government in Ontario is directly responsible for the prevailing mood of racial hostility towards non-whites in Toronto at present. They point to the repealing of the Employment Equity Act as one of the first legislative actions taken by the Harris

government. The opponents of the legislation, led by the Tory cabinet, have argued that employment equity was about quotas and giving people jobs for which they were not qualified.

Of course the act called for no such thing. It was a deliberate misrepresentation by the government designed to stir up feelings of hatred against minorities and to drum up support —

The Chair: Mr Reid, you're going to have to sum up because you're getting to the end of your allotted time. I apologize.

Mr Reid: — for the Tory 30%-tax-cut agenda, which according to many observers will benefit only the wealthiest of persons in Ontario.

I'm sorry, Mr Chairman?

The Chair: You're going to have to sum up. You're just about at the end of your allotted time.

Mr Reid: How many minutes do I have left?

The Chair: You're at 10 minutes right now.

Mr Reid: I'll conclude by saying this, and I do thank you for reminding me. I think Ontario's present course of closing hospitals and slashing their budgets simultaneously is a national disgrace. I read the one media report about an 82-year-old man who was found alone and dead on a stretcher in a hospital hallway here in Ontario when relatives arrived to visit him less than three weeks ago.

I respectfully submit that the Tory cabinet at Queen's Park is out of control. It is not too late for the government and its partners to slow down and consider some of the recommendations of the Who Does What panel and the Toronto board of trade on the effects of downloading certain soft services on to municipalities.

Finally, because the Tory amalgamation scheme has very little to go on in terms of successfully amalgamated cities anywhere in North America, I suspect there will be a substantial no vote in today's referendum on the megacity. In this regard, if a strong majority of voters votes no to Harris's megacity and the Tories persist in passing Bill 103, I think municipalities will have no choice but to launch a legal challenge against the government, if such grounds exist. They may also choose to continue to organize protests and other forms of resistance against the Tory agenda to provide a 30% tax cut to some of the wealthiest persons in Ontario.

The Chair: Thank you very much, Mr Reid, for coming forward and making your presentation this evening.

PATRICK MCCARTNEY

The Chair: Would Patrick McCartney please come forward. Good evening, Mr McCartney, and welcome to the committee.

Mr Patrick McCartney: While I thank the committee for providing me with an opportunity to speak on Bill 103, I must confess that I very much resent being here. I, and presumably most of you as well, have much better things to do than to devote time and energy to this transparently flawed legislation.

Permit me to start with a vignette. My provincial representative is Mr William Saunderson, PC MPP for Eglinton, Minister of Economic Development, Trade and Tourism. In a fit of political naïveté, I began writing him

letters in the spring of 1996 objecting to several Harris government policies. I even visited him on two occasions at his office in an attempt to get my message across, of course to no avail, and while I haven't been able to achieve anything, I have learned something about the mindset of the Harris government through the exercise and I would like to share this insight with the committee.

Consider the letter that Mr Saunderson wrote me dated June 14, 1996. It is only three sentences long, so I have decided to read it in its entirety:

"Dear Mr McCartney:

"I trust you have received my letter of May 22. As you noted in your letter dated May 15, it does appear that we 'remain divided in our assessments of the most desirable way to govern Ontario.' Perhaps we should just agree to disagree.

"Yours sincerely,

"William Saunderson."

In other words, it seems if you don't agree with our government, you are a nuisance to be dispensed with. There is no point in consultation or dialogue: "There is no point in providing arguments to support our policy. We believe we are right. We will endure some of the trappings of democracy, such as public committee hearings, we will ignore a firestorm of political criticism and then we will steamroll our legislation through the House with our majority." Sound familiar?

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How else can you explain the fact that the Tories did not include references to amalgamation in the Common Sense Revolution or campaign on the issue during the 1995 election? How else can you account for the Speaker's ruling of contempt of the Legislature in respect to (a) the failure of the pro-amalgamation pamphlet sent out in January to acknowledge that the legislation for the megacity had not yet been passed, and (b) for using \$300,000 of government money for partisan purposes?

How else can you explain the fact that several trustees were appointed and given extraordinary powers prior to the passing of the relevant legislation? Mercifully the courts voided these appointments, but not before the Tories went to court and argued — and I'm not making this up — that their extra legislative actions constituted an allowable use, in the judge's words, of "royal prerogative." Yes, the government was actually resorting to the centuries-old powers of the king, an incredulous position that would be comical if not farcical in other contexts.

What will happen once 103 is bulldozed through the Legislature? By my calculations — 2.3 million residents divided by 44 councillors — there will be one city representative for every 52,272 people. Politicians are not a popular breed these days, but I really think this is going too far. Many fear, I believe correctly, that this will favour well-heeled interests such as developers and big business lobby groups. Who else could afford the army of lawyers, consultants and lobbyists it will take to penetrate the new megacity bureaucracy? How will the average ratepayer go about catching the interest of a high-rolling mega-councillor?

Who is going to finance the estimated \$1-million campaign cost for taking a run at the mega-mayor's

chair? Not too many poverty-line grannies or Metro Housing dwellers, to be sure. In short, from a democratic perspective the megacity is fatally flawed, and for this reason it should be vigorously opposed.

If that wasn't enough, it seems equally clear that the megacity should be rejected on financial grounds as well. This is perhaps the most puzzling feature of Bill 103, since cost savings appear to be the government's main reason for forcing Metro to amalgamate. I realize that others have advanced elaborate conspiracy theories for this. I'm not so sure the government is as devious or intelligent as some of the theorists assume, but I won't rule this out.

I will emphatically rule out the possibility, however, that the Tories will be able to sneak their secret civic agenda into the operations of a newly minted megacity. Their horrendous mismanagement of this issue has spawned a furious public response to their scheme, and as a result their every move in relation to the megacity will be closely scrutinized.

But back to the question of cost savings. I could devote some of my strictly limited time here to skewering the embarrassingly flawed KPMG report, but that would be too much like shooting fish in barrels. Instead, I would like to pose a number of questions to the committee.

There is no question that the tab for integrating the bylaws, municipal codes and operating systems of the seven current Metro governments will cost hundreds of millions of dollars. Is there a better way to spend that kind of money? The seven Metro governments have done an impressive job rationalizing their operations and keeping tax increases in check in the last several years. Is it really the case that there are millions of dollars of additional savings out there, especially when transition costs are factored in?

The amalgamation of Halifax-Dartmouth has been, by most accounts, a financial nightmare, as has been the case in numerous other jurisdictions in North America. How likely is it really that the proposed megacity can avoid this fate? The last time the Tory government tried its hand at bureaucratic rationalizing, it created havoc and chaos with the family support plan, not to mention some hefty expense bills that I doubt were foreseen at the outset. Has enough thought and study gone into the megacity planning to avoid this type of bungling? How are the unions going to respond to the prospect of major changes in salaries, benefits and workloads effective January 1, 1998? Will rates have to be standardized, and if so, at the higher or lower levels? How much will this cost? Will residents of the new megacity tolerate varying levels of service based on previous electoral boundaries? Have all these details been properly thought out?

I just have a few more things to say here and then I'm going to Massey Hall to hear the referendum results. I predict they'll clearly show that the majority of people in Metro Toronto are opposed to the megacity and that these results will be ignored by the Tories. I further predict that they will pay dearly for their hubris. The people of Metro Toronto will remember this legislative thuggery, this high-handed dismissal of the public's will. They will not be fooled by a handful of cosmetic amendments to Bill 103 that leave its major provisions intact. When the true

costs of amalgamation begin to hit the press they will remember that they clearly voted against this white elephant. When something goes wrong with their garbage pickup or with their local library or their tax assessment, they will remember that this government had a flood of information and opinion at its disposal but chose to ignore it. There will be another provincial election, and I guarantee the people won't forget about amalgamation before then.

Yes, it is possible to behave arrogantly and govern without consensus — let's just agree to disagree — but it's exceedingly difficult to do so in a sensible manner. My message to this committee is to dispassionately consider the overwhelming evidence presented here, most of it highly critical of the megacity, and do the right thing: Recommend the scrapping of Bill 103 and the beginning of consultations with the seven existing municipal governments of Metro Toronto to find possible cost savings through administrative efficiencies, pooled purchasing, coordinated service delivery and the like. While you're at it, read the Golden and Crombie reports, which emphasized the importance of rationalizing municipal government operations at the GTA level. You just might end up salvaging something from this otherwise diversionary and unnecessary exercise. Thank you.

The Chair: Mr Bisson, you have a minute to ask a question.

Mr Bisson: I have one minute, so I am going to try to do it as best I can. There's an old saying that it takes a long time to build a democracy and it takes a lot of effort and due diligence to keep it, but democracy can be taken away. Your presentation echoes what we've heard in a lot of other presentations, which is that if people are upset about what this government is doing, one of the key reasons is that they feel the democracy we've fought for and built over the past number of years is in jeopardy.

It's referendum night. We're going to find out shortly what the people in the Metro area have to say about this particular legislation. The Premier is on the record as saying: "It doesn't matter a heck what people have to say. I'm just going to go ahead and do this." The vast majority, 90%, of presenters who have come to this committee are saying to the government: "You're wrong. You're going in the wrong direction. This is not the right thing to do." Yet they say they're going to go forward, they're going to do it. What do you say to this government? What plea can you give to this government to get them to recognize that this is a democracy and a democracy is about listening to people and doing the public's will?

Mr McCartney: I don't have a lot of confidence in the provincial government, to be honest with you. I thought there might be some hope. I went to see my political representative, as I noted here: Mr Saunderson. I was completely stonewalled. By most accounts, he is representative of the current provincial government. In the short term, I don't hold out very high hopes for a sensible resolution of these matters.

The people have spoken against this at these committee hearings and the government is clearly going to lose across the board in all six of the municipalities tonight — I could safely predict that — yet I think they will steamroll ahead. We heard that Harris himself voted

today in the referendum; that's a bizarre and hypocritical stance, I would think. I think he is going to put through a few cosmetic amendments in the next few days, which will not change substantially the amalgamation bill you're considering here, and then they're going to forge ahead.

I think they're going to make a grievous mistake. It's very insulting, as other people who have submitted to this committee have said, that they're behaving in this way. It's not a part of the Ontario political tradition. I am not from Ontario. I'm from BC, and we're used to —

The Chair: Mr McCartney, excuse me. I'm sorry to interrupt you, but we're well beyond your allotted time. I want to thank you for coming forward and making your presentation to the committee tonight. Thank you very much.

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DAVID FARB

The Chair: Will David Farb please come forward? Good evening and welcome to the committee. You have 10 minutes this evening to make your presentation.

Mr David Farb: Thank you very much. I'll take a seat on the right side of the room. After having been here approximately an hour and hearing the five previous speakers, I feel a little isolated, but perhaps I can give you a little different perspective on my views of the question.

I want to thank the committee for allowing me to speak this evening. My name is David Farb. I was born and raised in Toronto and have lived here for over 50 years. I am a past president of the Bloor West Village Businessman's Improvement Area, which was the first BIA in Canada. I am also a working lawyer.

My philosophy is based on the concept that less government is the best government. In the same vein, I believe that people themselves know how to spend their money better than any government or bureaucrat. As a result, any piece of legislation that results in a significant reduction in the number of politicians at various levels of government must in and of itself be of tremendous benefit to the general populace.

I felt that I had to speak out in favour of this legislation when it became obvious to me that many of the opponents of Bill 103 consisted of those people to whom I refer as "the usual suspects." The main opposition to Bill 103 is led by the following: Politicians who stand to lose their jobs if amalgamation goes through; the multitude of bureaucrats who work for the aforementioned politicians; and finally, unionists who philosophically oppose the present government. These groups in turn are supported by the John Sewells of the world, whose record as mayor of Toronto speaks for itself. Here is a man who never held a real job and by whom, if you disagreed with his political philosophy, you were regarded as an enemy.

To add insult to injury, many of these opponents to the bill are using my tax dollars to flood the mails and media with their biased views in opposition to the bill. The vote that's taking place today already has been shown to be full of fraud. There are multitudes of ballots stacked. There is no way of identifying the ballots. I am sure the results will be as the previous speakers have said, but I think it's a very flawed process. I also know that I must

be on the right side of this issue when Colin Vaughan and his ilk oppose the legislation.

To put it succinctly, it is ridiculous to maintain seven parks departments, seven planning departments and six fire departments in one city. The duplication and waste inherent in the present system is almost without parallel. We can do better. The tax dollars must be spent more efficiently.

What we have now is chaos — Metro roads, city roads, sidewalks governed by Metro or cities, six mayors, Metro government, city councils — in sum, layer upon layer of politicians and bureaucrats. The average taxpayer has no idea of who represents him or her. This chaos is reflected in voter turnout for municipal elections of less than 35%. The average taxpayer is numbed by the complexity of the system. What is needed is fewer politicians elected by more voters rather than more politicians elected by a few voters. Special interest groups run rampant when only 35% of the eligible voters turn out to vote.

I strongly support this government in its efforts to end the waste and overlapping present in the existing system. Previous governments have been too timid in tackling the difficult issues of property valuation, education, spending, rent control, and the idea of one Toronto. They have conducted numerous studies at great expense, but even when it was clear what the right road was, they retreated for fear of upsetting the status quo. Previous speakers have said, "Let's study the matter for a few more years." The matter, for instance, of property valuation has been studied ad nauseam for many years.

Well, let me tell you, the status quo as it presently exists is not good enough. We citizens are overtaxed and overgoverned.

The people who oppose this bill are the same people who oppose any reduction in provincial income taxes. Canadians save less today than they ever have. Taxes at all levels have skyrocketed, and with the ever-increasing tax burden, unemployment levels have reached, and have stayed at, extremely lofty levels.

All levels of government are still carrying a tremendous debt load, which could crush us all if interest rates were to increase. All these taxes come out of the same taxpayers' pockets. Governments do not create wealth or high-paying, permanent jobs. In fact, they usually stand in the way of wealth creation and employment.

I urge you, let's get rid of a whole mess of these politicians and the bureaucrats needed to support them. Bill 103 is a small step towards having less government and less red tape. It is not an answer to all that ails us, but it is a move forward and it does make sense. All the fearmongering from those with vested interests in keeping the present system should be viewed with great cynicism, as clearly these people have a blatant conflict of interest.

When we travel, when asked where we come from, most of us always say Toronto, not East York or York. This bill will create one Toronto; will reduce the size of government from 106 municipal politicians to 44; will save hundreds of millions of dollars annually and help eliminate the duplication and overlapping that exist today.

I would suggest to you that you should pass the bill; let us make Mel Lastman supermayor, and let's get on with our lives. Thank you very much.

Mrs Munro: Mr Farb, thank you very much for coming here this evening. I just have one question to ask you. Many people who have presented here have commented on how important their neighbourhood is to them; we have heard over and over again how Toronto is a community of neighbourhoods. I'm wondering if, in your review of Bill 103, you saw anything in this legislation that would be a threat to this tradition of community life that we value in Toronto?

Mr Farb: I would say that, for example, when Etobicoke took over the villages or communities of Long Branch, Mimico and New Toronto, these didn't disappear. The people living in those communities still regard themselves as living in Long Branch, New Toronto and Mimico.

My office is in Swansea; the people there regard themselves as being part of Swansea. It is part of the city of Toronto which was taken over. When these amalgamations occurred previously and they reduced down to the number they are presently have, it was just part of life and it was regarded as a more efficient way of doing things. We have one police department.

It's ridiculous to consider that having reductions in the number of communities is going to eradicate the community. The community is going to be there. The people living there are going to be there. Their neighbours are going to be there. We're just going to have a lot fewer politicians governing us and less bureaucracy. I don't think it will affect the quality of life.

The Chair: Thank you, Mr Farb, for coming forward this evening.

Mr Bisson: May I ask a quick question, Mr Chair? If the government members allow me, I have a quick question.

Mr Newman: I think it would be great to hear from Mr Bisson.

The Chair: You have a minute left in your time, Mrs Munro, so if you want to give it to Mr Bisson —

Mrs Munro: Certainly.

Mr Bisson: Thank you. It's a very easy question. You and others who have come and presented have a different view. I respect that. In any democratic system, we make ourselves strong by building off our diversity, different ideas, and progressing from there.

What troubles me is that you said what I heard others on the Yes side say, which bothers me, that the people opposed to this are the politicians, the bureaucrats, the firefighters, the nurses, the trade unionists, the planners, and the list goes on and on, naming all kinds of people who are opposed to this. All these people are wrong?

The problem I've got is that it's almost as if you're saying: "We need to dismiss that whole sector of society. We've got to dismiss anybody who is a public servant, anybody who is a trade unionist, anybody who comes from a minority group. We have to dismiss them all because they're all wrong." Do you think that's correct?

Mr Farb: Mr Bisson, first of all, I didn't name all those groups; you did. Second, I don't think you can paint a brush over all people. I pinpointed three groups: politicians, bureaucrats and unionists. I didn't name all the others —

Mr Bisson: Well —

Mr Farb: Let me finish my response, sir. I don't think all these people are against or for the legislation. As a matter of principle, frankly there are some things in the bill that do concern me. But any time there's an opportunity to reduce from 106 politicians — with no disrespect to you, being a politician — down to 44, I am all for it because I think inherently it's better for the people.

Mr Bisson: A very quick question.

The Chair: Mr Bisson, we passed the remaining time to you. We've gone beyond that. I want to thank you, Mr Farb, for coming forward this evening.

We are in recess until 9 on Wednesday morning.

The committee adjourned at 2121.

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general government**

City of Toronto Act, 1996

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Wednesday 5 March 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Mercredi 5 mars 1997

*The committee met at 0907 in room 151.*CITY OF TORONTO ACT, 1996
LOI DE 1996 SUR LA CITÉ DE TORONTO

Consideration of Bill 103, An Act to replace the seven existing municipal governments of Metropolitan Toronto by incorporating a new municipality to be known as the City of Toronto / Projet de loi 103, Loi visant à remplacer les sept administrations municipales existantes de la communauté urbaine de Toronto en constituant une nouvelle municipalité appelée la cité de Toronto.

JUDY WALKER

The Chair (Mr Bart Maves): Good morning, ladies and gentlemen. Welcome to the standing committee on general government. Our first deputant this morning is Judy Walker. Good morning. Welcome to the committee. You have 10 minutes today to make a presentation. If there's some time left at the end of your presentation, I'll ask the Liberal caucus to ask some questions.

Ms Judy Walker: Good morning. Thank you for allowing me to speak. It's my sincerest hope that you will choose to listen, not only to me but to all of those who have voiced their opinions throughout the past weeks of public comment and most recently and resoundingly through the referenda in cities across Metro Toronto.

I am here to tell you that while some in this government, including Mr Harris, Mr Leach and Mr Gilchrist, may be confused, the people are not. You have heard that there is no empirical evidence that shows that amalgamations of the type this government proposes save money. On the contrary, research shows they cost more. You have heard that a large percentage of the public believe that the process this government has undertaken is hasty, reckless, undemocratic and not substantiated by sound facts, planning or public input. I'd like to point out to Mr Harris that taking your time to get it right cannot be accomplished between now and April 1.

You've heard repeatedly that the critical problem faced by the metropolitan urban centre relates to the needs for a larger coordinating regional governance structure or board that addresses issues across the greater Toronto area, not within the Metro area. You have heard repeated statements of confidence in the broad findings and recommendations of the Golden task force. Even the Crombie Who Does What panel underscored the need to address the issue of a larger regional structure before undertaking any attempt to address the issues facing the six cities.

I have heard these arguments. I understand them. The people, the voters understand them. I do not believe you

should be confused. So I will not repeat what experts like Jane Jacobs, Andrew Sancton, members of the Golden task force and many others have already so eloquently stated. I will try to give you the perspective of yet another of this city of Toronto's residents, one who greatly values this city and the opportunities it affords the average person to contribute to its continued success.

I'd like to begin by responding to a question posed by Mr Harris on several occasions in recent weeks. It now should be very clear to him and to this government that fundamentally and very, very simply what people are really concerned about is maintaining their local city governments, where the voice of the people is valued in decision-making about their local communities. People are not suggesting amendments to Bill 103. They are not saying it can be fixed or improved. They are saying it is completely wrong and ill-conceived. The people are not confused about this. They are saying they want to maintain the autonomy of their local city governments. They are recognizing that scale is an important factor in allowing their voice to be heard. Megacities can't respond to people.

The mayors and councillors of the six local governments listen to the comments of their citizens and respond to their concerns. There are, therefore, different issues, different bylaws and different priorities in each of these communities, reflecting the priorities of the local community.

Mr Harris has said that leadership and reflecting the will of the people must go hand in hand, yet this government has indicated its unwillingness to honour the voice of the people as expressed in this week's referenda. Because of the provincial government's response to the referenda and the lack of public input in the creation of this bill, there is very little hope that a megacity constructed by this government will be inclined or able to respond to the disparate voices of Metro Toronto's diverse communities and neighbourhoods.

The government's halfhearted, vague plans for community councils that would be based on population concentrations and not on existing neighbourhoods reflects a lack of understanding of the important role of communities in maintaining a strong, vital city. This response harks back to the 1960s in the US, when urban planning focused on big, community-busting development. It failed.

The existing city governments, in contrast to this provincial government and its approach, respond to the very specific and unique voices living within their boundaries. My husband was born and raised in Scarborough, where his parents still live. We live in a very busy downtown neighbourhood in the heart of Toronto.

Our local governments understand and respond to our very, very divergent needs.

I personally view this city through the eyes of a landed immigrant. I come here from the United States. In my past experience, I was a partner in an advertising and communications company headquartered in New York City. I lived in Brooklyn, which coincidentally is a borough of the city of New York whose population is approximately 2.3 million people — almost the exact size that this government proposes for the new megacity of Toronto. The comparison makes me shudder. I honestly love Brooklyn, but citizens there have to fight with every ounce of their energy, every day of their lives, to ensure their personal quality of life. It is not a given there.

It was my experience in this very unsustainable urban environment that prompted me to focus my energy and intellectual pursuit on finding models for building economically, socially and environmentally sustainable cities. I left a very gratifying business career to pursue this endeavour.

I came to Canada six years ago to pursue a master's degree that focused on urban sustainability and in particular on city core neighbourhoods and the dynamics of livability and equity that contribute to making them strong and prosperous. The city of Toronto, and in particular one of its downtown neighbourhoods, provided the case study for my research. You should know that people from cities around the world come to Toronto to learn from its example.

Now I work with municipalities from around the world that are engaging in urban management practices designed to achieve urban economic, social and environmental sustainability — cities that are positioning themselves to thrive in the coming century. The active engagement of the public, all stakeholders, in the process is recognized worldwide as key to success.

My research and experience indicate that diversity, variety, choice in terms of work, lifestyle, housing stock and free-time activities all contribute to an economically and socially healthy environment. Jane Jacobs and others have articulated so convincingly why this is so. Additionally, where the local community, including its divergent voices, is actively involved in decision-making, the predisposition for positive economic, social and environmental outcomes is dramatically increased. If you distance local government from the community, you lessen this potential.

You all know, I am sure, that Toronto is considered a jewel among cities worldwide in terms of its livability. Toronto is recognized internationally for its ability to support and nurture the diverse communities that thrive within it. Fortune magazine, in its October 1996 issue, recognizes the city of Toronto as the most livable city in the world for work and family. This is not by accident. This is not a result of skilful salesmanship or marketing or skilled business development expertise.

The city of Toronto is livable in practice, in reality, and that reality, this city's livability, is a direct result of the existing relationship between citizens and local governments, who work together to ensure the services the city's diverse communities require in order to thrive economically, socially and environmentally.

The local city councillors and mayors of the six cities within the Metro region are close to their communities. They know these communities, they listen to their voices, they treat them with equal respect and they respond to their needs. They listen to the people.

As a foreigner, I can reaffirm what I believe you know: People outside of Canada view Toronto as the gem I mentioned earlier. Over the past six years I have recognized and admired the very real process of local governments working with their communities that produces this wonderful result. People here and abroad know that this city, filled with tremendous cultural diversity from all parts of the world, works exceptionally well. It is safe, tolerant, green and vital.

I can tell you that places like Brooklyn are certainly equally culturally diverse. Why doesn't it work there as well? Although the answer may be complex, I can assure you that one large megacity, one mega-bureaucracy, further removed from its local neighbourhoods and communities, will diminish Toronto's potential to maintain the qualities of responsiveness, flexibility, equity of access and the resulting livability that is now the envy of the world.

The Chair: Excuse me, Ms Walker, we're coming to the end of your allotted time.

Ms Walker: Yes, I know. Thank you.

I urge you as individuals, as decent people who have heard recently an unprecedented, clear, unambiguous no to the provincial proposal for a megacity, to respond not only to the voice and preference of the majority of citizens affected by your decision who believe that a megacity is wrong, but also to the overwhelming evidence that a megacity is not in the best economic or social interests of those who live here.

Use your common sense. In 1996, Toronto was named the number one international city for work and family in a Fortune magazine poll, and it was also chosen by the Corporate Research Group as one of the two best cities in the world. It is plain to see that local government here is not broken, but rather, working better than anywhere else in the world. A decision to move forward with Bill 103 puts this in jeopardy.

Finally, I especially ask you to live up to this government's view of itself as one that promotes direct democracy. Listen to the people. At least they are not confused. They simply said no to Bill 103 on Monday.

The Chair: Thank you very much, Ms Walker, for coming forward and making your presentation to the committee this morning.

0920

CARL SKELTON

The Chair: Carl Skelton, please. Good morning, Mr Skelton.

Mr Carl Skelton: I am Carl Skelton. I'm the president of the Niagara Neighbourhood Association in ward 4. I got here early, so I had rather more of the coffee than I should have. I hope you'll bear with me. I may be in such a hurry to get my point across that I'll forget where I'm going by the time I finish, if you catch my drift.

This is my second year as president at the Niagara Neighbourhood Association. I live in my own home at

the corner of Wellington and Tecumseth, which is a block from a slaughterhouse and two blocks from one of the most famous restaurants in the country. I am around the corner from the Ydessa Hendeles Art Foundation and down the street from Streetcity, which is a semiexperimental social housing project in a semirestored wrecked warehouse.

The Indians pass by my house and occasionally pee on the fire hydrant there adjacent on their way from the liquor store to underneath the bridge, the bridge being at Fort York, which is only one of a zillion issues we deal with, and indeed the neighbourhood association has to come to terms with a variety of what we conventionally might think of as competing interests.

There are large industrial landholders in the area and there are tiny little micro-enterprises also in the area. I am also a sculptor, and this is one of the reasons I suppose it's so important for me to live in this kind of an environment, which is accessible and vital both in terms of the development of the city's cultural life, which is to say, cheap places to live next to cheap places to eat and cheap places to drink, and at the same time access to some of the very most important cultural facilities and institutions in the country.

What I've found, of course, in the process of getting more and more involved with these local issues that arise, whether it be questions of the airport or the reconfiguration of Wellington Street or Spadina or the LRT or the decommissioning of the lead smelter at Bathurst and Front, is that it is indeed sometimes an awful nuisance to have to deal with both the city and Metro. Thus, for instance, if somebody has a clever idea about getting a little bit of traffic calming happening — which, as you know, is very popular with ratepayers' associations these days for, notably, the reason that they tend to live on the streets in question and so do their children and cats — getting a Stop sign at Wellington and Bathurst is quite a project, because not only do we have to persuade our city councillor that it's a clever idea, but then he has to go and persuade our Metro councillor that it's a good idea, and then they both have to convince two sets of engineers that it's a good idea.

In the course of the average day, we often have occasion to complain of this nuisance and duplication. Regrettably, Bill 103 seems to have been a way to make all of that seem like a paradise, a heaven on earth. Clearly, the replacement of six local governments and one partial regional government with one partial regional government and a variety of committees of appointed local delegates is not an elimination of duplication. Indeed, it's simply a rerouting of nuisance, in the same way that we suspect that some of the initiatives for downloading, while they may make it technically possible to advertise the accomplishment of a provincial income tax break in so far as they do this simply by transferring that tax burden on to property owners at the municipal level, do not seem to be an accomplishment and indeed are rather more of a nuisance, particularly in so far as they violently disrupt the balance of nuisance and potential in the downtown cores.

For the record, I'd like to say that I for one am not interested at all in the preservation of Toronto neighbour-

hoods but rather in the protection of their possibility for developing and thriving according to their own aspirations, needs and desires as they develop independently in time.

I must say in particular that we find at this point the local government we have got is almost too big to function. Our area councillor is a very, very busy man. In ward 4 we have the Gardiner Expressway reconstruction to deal with. We have Ontario Place. We have Harbourfront. We have the redevelopment of lands adjacent to and indeed the railway lands themselves to deal with. We have 100 different sets of social needs. Frankly, we like it that way.

We do not see the advantage of setting up a government which is neither regional nor local, which in effect the megacity would be. Its boundaries are as artificial and as far short of true regional government or the possibility of the coordination of regional services and transportation as Metro, while at the same time providing for less of what we think of as access to that process.

If you are involved in a developing civil society where the people that live in the city, the citizens, undertake to live up to their own responsibilities as citizens, one of the most useful people you can have on hand is a politician. They're not actually terribly expensive, as we find, and they are constitutionally inclined, and I mean "constitutionally" more in terms of temperament really than the Constitution itself, to return your calls.

Indeed, we think of politicians as people who are delegated to direct the civil service on our behalf. Therefore, it's very important to us that there be a proper balance between the number of politicians and the jobs and the complexity of the jobs they have to do in that regard. Indeed, we may be at critical on that now.

The reduction of the number of politicians is not a positive prospect from the point of view of the Niagara Neighbourhood Association, nor is it in reality a positive prospect from the point of view of any citizen who proposes to do what citizens must do in order for a participatory democracy to be such.

Having said that, I feel it's tremendously important for those duly elected officials to actually have the option of doing what we think of as their job as they proceed, and obviously, in so far as there are localities, municipalities which are and must be allowed to continue to be different in their character, in the scale of their development, in the types of lives that can be lived in them, it's particularly important that the structure of municipal government be complex enough for that to be viable.

My principal experience bearing on this has been in the process of dealing with traffic/transportation issues through the neighbourhood association. What we've found generally is that transportation engineers at city hall tend to be just about able to grasp the concept of viability of downtown neighbourhoods in relation to the viability of pedestrian environments on retail streets and residential streets, and the understanding that people in cars are not actually in shops and therefore the sidewalks have to be habitable in the sense of not being terrifying or too loud or too hot or too cold for people to actually get on them.

The Chair: Sorry, Mr Skelton, you're coming to the end of your allotted time. I would ask you to wrap up.

Mr Skelton: I understand. At the Metro level it's much harder to get people to grasp these things because of course they go to shopping malls, which are differently ordered and which are entirely more appropriate to a suburban environment. That's one tiny little for instance. Downtown areas have a million of these little differences that have to be respected and that simply cannot be respected if every decision has to be made at a Metro level, at least. The city level of government must continue to exist, and if it has to go underground, that'll be a damned nuisance, which is, as I understand it, not the purpose of the Common Sense Revolution.

The Chair: Thank you very much, Mr Skelton, for coming forward and making your presentation to the committee this morning. We appreciate it.

0930

MAHED FATHY

The Chair: Would Mahed Fathy please come forward. Good morning, sir. Welcome to the committee.

Mr Mahed Fathy: I came to Canada as a landed immigrant in 1966; that is, 13 years after the new Metro regime began to take shape in 1953. It included then 13 municipalities. In 1967 the 13 municipalities merged with Metro and dropped to six. Since that date there has been talk of too many levels of government and duplication, which has cost more money to taxpayers.

Thirty years have elapsed and various governments that came to power since then did nothing to improve the situation; I repeat, nothing. That was only true until we got an elected responsible government, a government oriented towards reform. This reform is the Common Sense Revolution. It stated:

"Canadians are probably the most overgoverned people in the world. We do not need every layer — federal, provincial, quasi-governmental bodies, regional, municipal and school boards — that we have now. We must rationalize the regional and the municipal levels to avoid the overlap and duplication that now exists."

The government has kept its promise with Bill 103 and has the constitutional power, the public responsibility and the political mandate to act. It is not necessary to have a referendum on this issue. Amalgamation is nothing new. When Metro was first created there were 13 municipalities, today there are six and tomorrow there will be one new government in Toronto.

The Harris government proposals are mainly the following:

To have a municipal council of 44 members, two for every federal/provincial riding, and a mayor directly elected by the people.

Establishing six community councils, each composed of six or seven wards. These councils will deal with local issues, like minor variances in planning and building permits, that are of direct concern to community groups.

Councillors will provide ongoing input and advice on municipal issues and concerns through neighbourhood committees established by them.

The new city will be coordinated with the proposed Greater Toronto Services Board, which will examine services like transit and economic development on a GTA-wide basis.

Resolving the issue of efficient local government took a great deal of hard work. It must happen. The provincial government is now resolving this problem conclusively. The Harris government has kept its promise to undertake reforms that will benefit Toronto taxpayers in the following manner.

More money in the classroom: Recently proposed legislation will remove \$5.4 billion in education costs from property taxes and let the province assume the funding. The province wants to ensure that each student has an equal opportunity to succeed in an increasingly competitive global economy.

A fair and equitable property tax system: This will replace Ontario's antiquated property tax. Under the newly proposed Ontario fair assessment system, similar properties with similar value within a municipality will pay similar taxes.

Local services managed locally: The government's proposed legislation will allow municipalities to take full control of local services. It just makes good sense for services like transportation, community housing, public health programs and water and sewage systems to be managed locally, where they can respond better to local needs. It's also more efficient and accountable and less costly to taxpayers.

The reaction spearheaded by the six municipalities and the NDP was fierce and well organized. It aimed at securing a majority of No votes in a plebiscite by using scare tactics. The distributed literature hinged upon an orchestrated advertising campaign that flooded the area with poisonous literature that incensed people against the proposed legislation. It specifically targeted weak and vulnerable people such as seniors and welfare mothers as well as homeowners, tenants and small businesses, spreading the fear that amalgamation will result in higher taxes and lesser services; in other words, huge tax increases for all Torontonians due mainly to the downloading of welfare, health, social services and transit since January 1997.

This is not entirely true. Metro Toronto residents do not want a megacity if it means paying more taxes, but they would reconsider their position if they could be assured their taxes will not increase. A recent poll conducted for the Toronto Star by Strategic Counsel Inc shows 45% support the merger if there is no tax increase linked to the merger, while 35% oppose it. The rest were undecided. As expected, Metro voters rejected amalgamation by a majority of 75.6% on March 3.

In order to solve the problem of the downloading of the abovementioned services, negotiations between the province and municipalities over their fiscal relationship have already started, on February 21, 1997. The Honourable Al Leach, Minister of Municipal Affairs and Housing, the Honourable Janet Ecker, Minister of Community and Social Services, and Terry Mundell, president of the Association of Municipalities of Ontario, agreed to create two transition teams that will discuss the details of the province's plan to make social and community health services a municipal responsibility. One team will deal with social and community health; the other will deal with more general municipal matters such as the operation of the restructuring funds the province has promised

and retraining of municipal staff. Mr Mundell told reporters, "I believe these working groups will have a large amount of substance to them." He added, "I also believe we will be able to, in conjunction with our partner the province, get to the stage where we can in fact get the job done."

It is my sincere belief, and there is no doubt in my mind, that a unified Toronto is good news for Metro taxpayers that will benefit them in several ways.

It will create jobs and attract investment. It will allow Torontonians to speak to the world with one voice and put an end to lost opportunities through administrative bickering by the current local and Metro politicians.

It will reduce duplication and overlap. A unified city will ensure that services are delivered more efficiently.

It will be more accountable and less confusing to many people. A unified Toronto will make things a lot simpler for residents and less confusing.

It will enhance neighbourhood input. Under a unified city of Toronto, people will have input into decisions that affect their neighbourhoods through the formation of neighbourhood committees.

It will mean better decision-making. The new city council will be able to look at the big picture to create a vision for the unified city to keep it livable, to keep its place as one of the international cities.

It is my personal opinion, as well as that of the business community, the Board of Trade of Metropolitan Toronto, David Lewis Stein of the Toronto Star and many ordinary citizens, that a unified Toronto is common sense.

Toronto is acclaimed as one of the most vibrant cities in the world and among the best in which to live, work or raise a family. It is also the driving force behind Canada's economy. We are now living in a fast-changing world, a world where in order to compete with other nations it is paramount for us to adapt our economy and ourselves to the 21st century. Toronto has to be better than its competitors in order to win new jobs and investment in the future. It has successfully met the challenges of this century and must now prepare for the next.

Toronto is now at the crossroads of its future. It's not growing as fast as rival American cities and jobs are not being created quickly enough. The municipal tax base is shrinking while the demand for services continues to grow. Businesses and industries are leaving. Outdated infrastructure is not meeting the needs of companies that must compete globally.

In conclusion, I can only say that the government should look at the plebiscite results, the polling data and representations made to this legislative committee and adjust its plans accordingly. I am optimistic and confident that the ongoing government negotiations with the Association of Municipalities of Ontario will culminate in an agreement that will benefit the interests of the people of Ontario in general and those of Toronto in particular.

The Chair: Thank you very much, Mr Fathy. You've gone a little bit beyond the allotted time. I want to thank you for coming forward to the committee and making your presentation this morning.

We may not have some of the next presenters but I'm going to call out some names: Eric Zhelka, Christina Montes, George Teichman?

0940

HUNGERWATCH COALITION

The Chair: We do have the next group, with Sue Cox, Loren Freid, Tina Conlon and Debbie Field. Sorry to get you on earlier than you expected.

Ms Sue Cox: Not at all. I'm Sue Cox. I'm executive director of the Daily Bread Food Bank. Loren Freid is the executive director of North York Harvest Food Bank. Debbie Field is the executive director of FoodShare in Toronto. We're part of HungerWatch Coalition, a coalition of organizations concerned about issues of hunger. We include the Red Cross, Oxfam and St Vincent de Paul. We've been meeting together for at least six months about some of our concerns.

Our concerns primarily arise out of public policy issues that can increase hunger and about the impact of policies on low-income people and the people whom we serve with a variety of programs, both community development programs and food relief programs.

We have a particular concern today about the issue of downloading and find that it's very integrally involved in issues with amalgamation right now, and that's primarily what we'd like to speak to. We have had an experience in the past which makes us very apprehensive about downloading, and I'd like to just quickly outline that to you. We believe that when Metro has to pay an increased percentage of the costs of welfare there's going to be an enormous impact on hungry people and also on our particular agencies and that, in spite of our collective services, people will go hungry, as they do now.

Our concerns particularly are drawn from our experiences in the recession of the early 1990s when high rents, high unemployment and inadequate welfare drove food bank use to unprecedented heights. Faced with that growing burden, food banks were unable to cope, as indeed they are not able to cope with the burdens placed upon them right now.

In 1992 the agencies who served the poor found themselves fighting a losing battle. Metro could no longer afford welfare and it significantly cut special services to welfare recipients, and those services included things like dental care, moving costs, first and last month's rent, bedding, transportation, a variety of things that helped people survive. During that period of time, if you were to look at a graph — and in fact we have a handout with such a graph on it — you would find that the increase in food bank use during the recession, particularly from 1991 to 1992, rose significantly more rapidly than the numbers of people on welfare, and the basic reason for that was because of these cuts to special services. While welfare rates rose 26%, food bank need rose 62% from 1991 to 1992. The only thing that stemmed the tide was the introduction of the federal child tax benefit.

In addition, there were incredible increases in the number of people who turned to a food bank because they had to pay for additional school expenses and increases in the number of people who needed food banks because they had to pay for moving, clothing and items like that. Metro staff were not able to really shoulder the burden of the load of people they were seeing, so in addition we had significant increases in the numbers of

people who had to show up at a food bank simply because their cheques were lost or late. There were procedural errors within Metro that they simply could not deal with.

There was a 70% increase in the number of welfare workers referring people to food banks, so Metro itself had become dependent on food banks in order to deal with the people in such desperate need. We believe that the same thing will happen in another economic downturn if Metro has to pay 50% of the freight for welfare and simply is not able to do it.

Let me turn now to Loren, from North York Harvest. He'll try to outline some of the charitable aspect.

Mr Loren Freid: By proposing to increase Toronto's share of welfare costs from 20% to 50%, we're not only witnessing a downloading of services by the province, but we're also witnessing a downloading of their responsibility to care for the less fortunate. Much of that added responsibility will inevitably fall on to the shoulders of food banks and the charitable sector in general.

The problem is that food banks in Toronto already conduct the largest food drives in North America. We already utilize over 100,000 hours of volunteer time a year; we already distribute over 12 million pounds a year to people in need in Metropolitan Toronto. Despite this monumental effort and this huge collective use of resources, it has not been enough, yet how much more can you do when you are already working at maximum levels? Unlike governments, we do not have the luxury to download.

As a result, food banks are placed in a dubious position. We have to do more in order to sustain our current levels of service, but now, as a result of downloading, we find ourselves becoming a new kind of standard-bearer for societal morality at a time when our own capabilities to cope are pushed to the ultimate limit.

Reducing a province's debt is a praiseworthy goal, but only if the welfare and the wellbeing of the country's poorest citizens are protected. Downloading on the charitable sector is wrong.

Ms Debbie Field: First of all we want to address why we're here today, since primarily we are concerned with downloading and obviously your committee, on the last day of its hearings, is looking at amalgamation. It is our contention, as a coalition and as people who work with some of the poorest in our community, that downloading and your debates on megacity are totally intertwined. Like the majority of voters who came out two days ago to vote, over 75% average across the board, we believe that in your own logic and in your own construction of the megacity you have intertwined three issues inextricably, which are the creation of a megacity, changes in education and downloading.

They are all connected because they are connected in your own financial understanding of them. We've heard the Chair of this committee and the Premier yesterday and everyone from your government who has spoken to the press say that you think the majority of us voted against the megacity because we were concerned about downloading; that's right, because it doesn't make any financial sense unless you connect them. The only way you can save money through megacity is if you do the

downloading. If you want us as voters to disconnect the issues, you have to disconnect them, and you haven't done that yet.

How this is connected to Bill 103 and amalgamation and the only way you can show any savings in amalgamation is if you download costs, particularly for welfare, on to the municipality, and that is why so many voters have voted against it. If you look at the financing of it there is no way to save money on the amalgamation unless you download welfare costs. Everybody has told you that is a disaster. Even your strongest supporters, the board of trade, Crombie yesterday, anybody who has studied this issue has told you over and over again you will wreck Metropolitan Toronto if you download welfare costs on to it.

We, as people who work on a daily basis with people who use food banks, with people who are homeless, with people who are on welfare, tell you that you will destroy the texture of this community if you insist on continuing to believe that it is possible to transfer welfare costs to the tax base at the level where the municipalities collect it.

You said, Steve Gilchrist has said, the Premier said this morning, the papers are full of people in your government saying that you're going to have amendments and rethink. This is one of the crucial things you have to rethink. Any logic that is pushing you to say that education should be collected from a more fair tax system, which is the provincial income tax, has to lead you to say that welfare should be collected in the same way. In fact, welfare should probably be collected 100%, not just 80%, from a more fair tax system. To put welfare on to the municipalities will put on them a terrible burden.

I want to just raise some points around some things that have been happening between AMO, the Association of Municipalities of Ontario, and your government in the last two weeks, because I think this is something that has not come out in the press that is very dangerous. Two weeks ago there was a meeting of the leaders of AMO and Al Leach. Coming out of that meeting, Al Leach said they would bow to the requests of AMO and allow municipalities to set their own rates for welfare. I've spoken to other leaders in AMO, including Howard Moscoe, who sits on the executive of AMO, and he says that's not AMO's position. This is a very dangerous thing that happened; this is probably one of the most dangerous things, and again, if there's anybody here from the press, it has not been reported adequately.

0950

If we create a situation where welfare rates can be set differently across the province in different municipalities, we have gone down the American road in such a big way that we will see thousands of homeless people sleeping all throughout this city of Toronto. You understand the logic of it. If they can set welfare rates lower in Barrie, then all the poor in Barrie will move to Toronto because we in Toronto hopefully will be able to set welfare rates at a higher rate and convince our municipalities to do that. Then there was a debate. Janet Ecker came out a few minutes later and said that no, you will set provincial standards. At a meeting in the west end, where I went as a constituent at Derwyn Shea's meeting and Janet Ecker

was there, she said Al Leach was wrong, she was right, that you were going to set provincial standards.

We are here to say yes, set provincial standards. This has to be central to what you do in the rethink. Do not download any welfare costs to the municipalities, because you will create bedlam at the municipal level. Rethink what you are saying around amalgamation. Put in some provisions to ensure that welfare rates cannot go any lower than they are. It is our contention that they are already too low. In the next few months, as an anti-hunger coalition, we are going to be providing you research from a medical and nutritional point of view to point out that the rates you already have are too low, that people are not able to eat adequately, and we're going to be bringing a nutritional market basket approach to your government to try to convince you that's the way you should be looking at welfare rates. In editorials in the *Globe* recently, there have been many arguments that welfare rates should be set on what the minimum standard has to be to live at any one point in a community. We do not believe even the current rates do that, let alone lower rates.

We are also going to be coming to your government to look at issues around rent and the need to protect the most vulnerable.

Ms Cox: Just one more thing: I'm very concerned about some discussions about restraining municipalities from raising taxes. If municipalities cannot raise their taxes in order to ensure that people are fed during a recession, we would have an extremely dangerous situation. There would only be welfare to cut; there would be nothing else left.

The Chair: Thank you very much for coming forward this morning, especially a little earlier than expected, to make your presentation to the committee.

ERIC ZHELKA

The Chair: Would Eric Zhelka please come forward. Good morning, sir. Welcome to the committee.

Mr Eric Zhelka: Good morning. Honourable members, ladies and gentlemen, my name is Eric Zhelka. I'm a professional engineer. I was born and raised and I reside in the city of Toronto.

As an engineer I study, design and build things. I wish to thank all of you for the opportunity to appear before you today, and also for the opportunity I have had over the past while to study this great city. I am here to talk about Bill 103. From my study I wish to share with you some of my thoughts and, if I may, offer some suggestions on ways this situation may be improved.

With the proposed amalgamation of all the various departments across Metropolitan Toronto, I felt concerned with the size and especially the complexity of the new city that the new mayor and staff would be asked to administrate. As a systems engineer I know that if a system, or a proposed city in this case, is too complex for people to comprehend, or in this case to manage, then the system will break down.

My research on the issue of urban complexity drew me to one of the most eminent urban planners alive today, none other than our own Toronto resident, Jane Jacobs.

The following is a quote from her book *The Death and Life of Great American Cities*:

"Every great American city is at a similar impasse.

"When human affairs reach, in truth and in fact, new levels of complications, the only thing that can be done is to devise means of maintaining things well at the new level. The alternative is what Lewis Mumford has aptly called 'unbuilding,' the fate of a society which cannot maintain the complexity on which it is built and on which it depends.

"The ruthless, oversimplified, pseudo-city planning and pseudo-city design we get is a form of 'unbuilding' cities. But although it was shaped and sanctified by reactionary theories actually glorifying the 'unbuilding' of cities, the practice and influence of this kind of planning today rests not on theory alone. Insensibly and gradually, as city administrative organization has failed to evolve suitably along with city growth and complexity, city 'unbuilding' has become a destructive but practical necessity for planning and other administrative staffs, whose members are also being sent on supermen's errands. Routine, ruthless, wasteful, oversimplified solutions for all manner of city physical needs (let alone social and economic needs) have to be devised by administrative systems which have lost the power to comprehend, to handle and to value an infinity of vital, unique, intricate and interlocked details."

I presume what the sentimentalists refer to as the neighbourhoods are these "vital, unique, intricate and interlocked details" of our city. Unfortunately, the complexity of what Bill 103 proposes will see administrators no longer able to deal with mind-sized bites, as can be done currently. I'm sure the government of the day did not really mean this devaluation of our neighbourhoods to occur in their proposals.

The proposed amalgamation also concerns me with how the planning of this future megacity would occur. With the increased complexity, as already mentioned, the new city planners would be forced to apply much more simplified rules than already exist and they would apply them across all former wards of the former cities and borough. This would kill the diversity of Metro Toronto that is part of its current greatness. Unfortunately, this self-destruction of the diversity of the current cities would speed us along the way to being just like Chicago or New York, and I mean just like them in terms of their problems.

For example, looking at the three US megacities with over two million population, the population of the proposed new Toronto, these US cities have faced particularly intractable problems. Two of the three, New York and Los Angeles, are contending with advancing secession movements sparked by the belief that remote city halls were ignoring local neighbourhood needs. The third megacity, being Chicago, has lost almost one million residents, who seceded with their feet.

I quote again from Jane Jacobs:

"In our American cities, we need all kinds of diversity, intricately mingled in mutual support. We need this so city life can work decently and constructively, and so the people of cities can sustain (and further develop) their society and civilization. Public and quasi-public bodies

are responsible for some of the enterprises that help make up city diversity."

I'm sure the government of the day did not really mean to kill the diversity of Metro Toronto, which makes it great, in their proposals.

Let's look at cost of this proposal. The KPMG report *Fresh Start: An Estimate of Potential Savings and Costs from the Creation of Single Tier Local Government for Toronto*, I noted was the only report I could find to support the proposed amalgamation. Throughout the report there is reference only to savings that could result from amalgamation if "properly managed." However, the term "properly managed" was not fully defined. In chapter IV the KPMG report, true to its accounting heritage, specified, "One must therefore treat our findings as pro forma estimates, subject to a number of unknowable economic, social and political factors." Because of the disclaimers made by KPMG itself, no one can definitively claim that the report proves or demonstrates that there are any savings resulting from amalgamation. Besides, the report really only spoke of a 5% to 6% savings improvement over 1995 budgets, not a great saving in the grander scheme of things.

I'd like to mention Halifax. There four municipalities with a total population of about 330,000 were merged. The transition costs were more than double the estimate made by the province's merger coordinator: \$10-million estimate, \$22-million actual. The transition's savings have largely failed to materialize and their taxes are going up.

Metro Halifax, with 330,000 residents, Metro Toronto with 2.3 million, there's a difference there, I agree, but US consultant Wendell Cox has shown the US cities with a population of more than a million cost 18% more per capita to operate than cities in the 100,000 to 500,000 range. He shows a much greater spending gap, on average 152% per capita, between amalgamated cities of the same size.

What does this recent Canadian experience by a Conservative government majority say for the current proposal? I believe it speaks volumes. From amalgamation alone I believe we will see our taxes rise. I'm sure the government of the day did not really mean to raise our taxes just to pay for what I consider to be an unnecessary reorganization of the greatest city in the world.

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These are my suggestions:

(1) Scrap the bill and restart the process with greater input from the people being affected.

(2) I suggest that to afford some savings and truly reduce overlapping services, if there are any left, return Metro Toronto back to its pre-1988 format. In this more original format it was a part-time, overview, service-coordinating board with representation picked from the constituent cities and borough. This Metro Toronto model is a good compromise, I believe, between the need to maintain neighbourhood-sized cities, each with its own uniqueness, versus the need for efficient coordination of services across the area. This model could even be used across the entire GTA, but that is a discussion for a later time.

In closing, let me quote the current Premier of Ontario: "There is no cost for a municipality to maintain its name

and identity. Why destroy our roots and pride? I disagree with restructuring because it believes that bigger is better. Services always cost more in larger communities. The issue is to find out how to distribute services fairly and equally without duplicating services."

The constitutional monarchy of Canada that we all call democracy is based on each of us being as impeccable as possible, and especially upon our politicians being as impeccable as possible. In my humble opinion, ladies and gentlemen, no one, after having done some research, could possibly support this bill. Please take my suggestions into account when you deliberate the bill and our fate.

Mr Mario Sergio (Yorkview): Thanks for coming down to make a presentation to our committee. You mentioned prior to 1988 — we had the direct election in 1988, or 1985, actually. You are really saying what the Golden and even the Crombie —

Interjection: It was 1988.

Mr Sergio: Yes, 1985 to 1988.

Interjections: No.

Mr Steve Gilchrist (Scarborough East): The presenter is correct.

Mr Derwyn Shea (High Park-Swansea): They changed titles in 1985.

Mr Sergio: That's what I said, yes. Okay, we're both right.

Mr Zhelka: I'm not going to argue with the honourable gentleman.

The Vice-Chair (Mrs Julia Munro): Question please, Mr Sergio.

Mr Sergio: I actually was there.

Mr Crombie and Golden were recommending something like that: "Keep the cities but look at the GTA as well." Bill 103 does not make any mention of the GTA.

Mr Zhelka: That's why I say the discussion would be for a later time.

Mr Sergio: I can appreciate that. That's why I'm asking the question: How can we justify to maintain a strong vital core and not deal with the GTA?

Mr Zhelka: What is your definition of "strong vital core"?

Mr Sergio: If I can finish the question, please, now that we have the message from the people in Metro here, the government wants to tinker around the edges and say, "We're going to do this. We're going to do that," do you think that's a solution, or should we go and do exactly what you're saying, go back to the drawing-board and come up with some things so that, as the minister says, "We're going to get it right"? In order to get it right, will they have to scrap the bill or tinker around the edges?

Mr Zhelka: When I first started looking at this problem, I'll admit I came at it from a very practical, very conservative, financial point of view more than anything else than that. But when I started to study what is a city and what is a vibrant city and what is a city that is great, what is a city that's growing, what is a city that can support economically and socially the people within the city, the multicultural character of the city, the fact that we work so well, the fact that we care about each other, unfortunately unlike other cities — I'd need to know your definition of the city you're describing in

order to answer your question. The definition I found was something that took into account so much more than what I believe you're probably taking into account yourself.

The Vice-Chair: I must thank you, Mr Zhelka, for coming here this morning. We've run out of time.

I'd like to call on Christina Montes.

GEORGE TEICHMAN

The Vice-Chair: Do we have George Teichman here? Good morning, Mr Teichman, and welcome to the standing committee.

Mr George Teichman: Thank you, Chair and members of this committee, for the opportunity to speak. I am George Teichman, and like the previous engineer, I am also a professional engineer and I agree with him. I don't know this gentleman, but I agree with everything he said.

I am also chair of the North York Taxpayers Against Megacity, the organization which produced this symbol, my button that I'm wearing, and this rally. I've asked for this to be handed out to each one of you. The importance of this event was that it demonstrated that there are independent grass-roots citizens' groups in North York. We are entirely independent of any other group.

Our rally was also the event that kickstarted our local politicians into action. We planned the rally not knowing if any North York politicians were going to attend. The night before, Mayor Lastman phoned me and asked if he could speak at the rally. He told me what he intended to say. I was ecstatic.

You see, we were appalled by the way this government intimidated our local politicians with allegations of interest only in saving their own jobs, and the government was successful until our January 14 rally in freezing them into inaction. We felt that if we could show our local politicians that yes, there is tremendous grass-roots support, we could encourage them out of their intimidation to join us and even lead us in this important campaign.

Over 400 people attended this rally, one of the largest meetings ever held in the council chambers. Never forget that this no-megacity campaign is a sincere and passionate grass-roots initiative by the citizens of North York and not the politicians.

For that reason, you should know that this issue will not go away until the megacity bill is withdrawn in its entirety; not just tinkered with, giving piecemeal concessions here and there which would only open up at a future date revisions which would implement the full Harris plan. We are experienced and dedicated people and will not stop until the megacity bill is withdrawn.

Let me describe further who we are. Our directors are in private business or professional practice and they are supporters of all three major political parties in equal numbers. That includes card-carrying PCs. None of our directors are government bureaucrats or politicians trying to save our jobs.

We are fortunate, all of us here, to be living in the best city in the world in which to live and do business, according to Fortune magazine. Any business person is quick to say therefore, "Why fix it?" It can't be to deliver excellent and cost-effective services while maintaining

pride of community, because we already have this — better than what Dave Johnson's megacity can bring. Sure, some improvements can still be made to the present structure and we could be even better than the best, as Mel Lastman would say — imagine that — but it isn't through amalgamation.

It is widely known among the experts working in the business of cities that the optimum population for an efficient and accountable city is approximately 500,000 and that the present six cities in the 416 area are very efficient. This has been supported by every study ever commissioned.

I'm sure you have heard much on this and no doubt you are immensely aware of the overwhelming no vote two days ago. It was 79% in North York.

The reason why my line of business as a real estate developer and property manager is still having difficult times in Metro is because the city above Toronto, Vaughan, can brag that its property taxes are lower. Well, they are lower not due to their efficiencies — how can you be more efficient than North York? — but because the 905 area gets subsidies from the province our city does not get. The 905 municipalities get a 30% subsidy for schools; Metro gets zero. They get a 75% subsidy for health costs; Metro gets 40%. They get a 100% subsidy for ambulance; Metro gets 55%. By not getting the same level of subsidies, Metro is losing \$1.2 billion in subsidies that the 905 area enjoys. Obviously this is the reason for our higher property taxes.

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If these subsidies are the injury to our economy, the insult is that Metro residents are paying for these subsidies. It's like having a duel where you have a bow and arrow and your opponent has a gun which you paid for. Amalgamation does not address these inequities but rather exacerbates the problem with plans for downloading which will increase our residential taxes by an estimated \$650 million a year.

Did you know that Metro residents subsidize the rest of Ontario to the tune of \$5 billion a year already today? Queen's Park collects taxes from provincial residents in terms of income, sales, gasoline and cigarette taxes, and then from that pooling of revenue they give subsidies to the municipalities. The trouble is, they give back to Metro \$5 billion per year less than what Metro residents put in. This is the reason for our faltering economy in Metro, not how local government is structured and run.

Imagine: This province, which consistently racks up billions of dollars in deficits each year and has a \$100-billion debt, tries to blame the municipalities which never run up an operating deficit. North York in fact has a surplus of \$200 million. It seems to me the province wants to get its hands on it.

One major benefit of our current structure of local government is that party politics basically do not exist. Megacity, however, will promote party politics, and when we get into the situation where the party in power at megacity is the same as the province, the megacity would become the dumping ground for the province — the dumping ground. Because the province is the level holding all the power, and considering party solidarity, they can and will download expensive programs, like more welfare, on to this dumping ground, the megacity.

This leaves provincial politics with nice and clean ministries, like environment, trade, tourism, natural resources etc, to conduct elections free of contentious problem areas, neat and clean for the provincial level but untidy and messy for the megacity where contentious responsibilities will lead to nasty elections and constant flux in the councillors elected.

If the provincial and megacity levels have different parties in power, you get chaos. Think about it: No cooperation and constant bickering. Either way, however, the citizens of megacity are the losers.

Finally, I want to let you know what North York Taxpayers Against Megacity is planning in the coming weeks if this Bill 103 is not scrapped in its entirety. We are going to approach federal candidates of all parties to make megacity a federal election issue. "Can't be done," you say? "Municipalities are a provincial responsibility," you say? Like most people in North York, I see myself as a citizen of Canada first. Then I see myself as a resident of North York where I have invested much in family and business affairs. We are North Yorkers and we care about it. Third, and in last place, I see myself as living in a division of Canada which is called Ontario. I don't care how the dominions came together in 1867 and the agreements made when the total population of Ontario was 100,000; what I care about is that this Ontario is threatening my city from being number one in the world.

I and others are going to say to federal candidates in the next weeks: "I'm a citizen of Canada. I expect you to save the six municipalities of Metro, the economic engine of my country and yours. Find a way and don't tell me about the Constitution." Some candidates will take the challenge, and provincial Tories will hear from their federal brethren.

One step I have already pursued concerns that federal transfer of \$800 million yearly to Ontario for co-op and social housing. If Ontario downloads social housing on to the municipalities and plans to pocket the requisite amount, then I say Ottawa should deduct this amount from Ontario's transfer and instead transfer it directly to the municipalities. The same should be done for Ottawa's transfer regarding welfare. Thank you for this opportunity.

The Vice-Chair: You've come to the end of your 10 minutes. Thank you very much for appearing here.

KAREN GOLDENTHAL
JUSTIN GOLDENTHAL-WALTERS

The Vice-Chair: I'd like to call on Karen Goldenthal, please. Good morning, Ms Goldenthal, and welcome to the standing committee.

Ms Karen Goldenthal: Good morning, members of the committee. My name is Karen Goldenthal and I'm the president of Orde Street Parents' Council. I want to introduce you to my son, Justin Goldenthal-Walters. He will be speaking following my own presentation.

The parents' council has received many accolades as it strives to set the highest standards of excellence in the pursuit to ensure equity and respect for all our children's education.

This government and Bill 103, as well as Bill 104 and the other bills following 105 on, have received much in

the way of dismal evaluations as they strive to set the lowest standards of achievement in a pursuit that ensures inequities and disrespect for all the men, women and children of this once-lauded province that belonged to all.

I think that perhaps in large part, if not in whole, this government forgets that government in a democracy belongs to the people. That's right, democracy is government by and for all the people. If this government disagrees, it better look all the children of this province in the eye, for this is the lesson here today. This government should learn that it is the server of the people; the people do not serve the whim of the government.

If the government is the government for all the people of this province, then it better provide the infrastructure and maintenance to facilitate this process. We know from the lessons taught to us by our parents and our grandparents who built this wonderful land that local democracy is best controlled at the local level. We know as we look with hope and promise to tomorrow's vision of health, education and prosperity, we do so with the same needs. The voices of the people must be heard. We, as the people, must be assured that there is everyday, easy and convenient access that facilitates this process.

When the parents of Orde Street Public School need access to voice our concerns, we need a local representative we can walk right up to, and that local representative will smile and lend a keen ear and thought to our concern. Bills 103 and 104 will kill that potential ever-ready access, just as they kill and silence the parents' voice and needs.

Bills 103 and 104 ensure large geographical areas of jurisdiction and monstrous bureaucracies that shut out the voice of the people. If this government feels under seige, that is because it has constructed a fortress that shuts out and further silences rather than welcomes and comes forth with a smile.

Orde Street Parents' Council is a school community comprising 450 children and their parents, the best in professional staff, teachers and administration, many community partners and our locally elected city councillor, Metro councillor and locally elected full-time trustees; this for a community that comes from over 40 different countries and linguistically speaks over 30 different languages. In our diverse community we teach our children their voices are the sweet sounds of welcome, not voices to be silenced. Diverse populations' and inner-city schools' needs are multidimensional and yet especially particular. The democratic rights of the parents and the children must be paramount.

Orde Street Public School has always had strong constituency access to its elected politicians. When we have needs to meet for our diverse and immigrant population, we look to this easy access and we do not take it for granted, as this government should not take the parents' voices for granted. Look our children right in the eye and tell them you give your word you will not take them for granted. The anger you have been hearing from the men, women and children of this province is indeed because you have taken them for granted.

Orde Street Parents' Council has worked hard to ensure the needs of the children vis-à-vis all our programs. We have an international language program of

Cantonese and Spanish. We have English-as-a-second-language, literacy, reading clinics and French immersion programs. We have a high level of math, science and technology programs, and our black cultural program that tells my son here, for example, that he is a respected member of the African-Canadian community. We need to ensure that this government respects this situation clearly and distinctly.

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Bills 103 and 104 have said to the Orde Street Public School community — and interestingly, Orde Street Public School is just across the street, over at College and McCaul, not too far away from here — that this government is a totalitarian, undemocratic regime that has shut and locked the gate to the moat.

One example of the hard work and successful achievements of the Orde Street Parents' Council was the push for a sustainable ecosystem, ensuring a green space for the children. When the Princess Margaret Hospital was positioning itself in the area, it did so at the peril of the children's ecosystem and green space, yet the parents from all the diverse communities immediately sprung forward with action. The parents initiated the actions forthcoming, gaining legal, political and social representation as they moved forward to the Ontario Municipal Board. The parents spoke out regarding health, environment and density, as well as traffic and other concerns of the area, and refuted any attempts to minimize their needs.

The ensuing kaleidoscope and myriad of voices that spoke and were heard resulted in our winning the city of Toronto's Healthy City 1996 Neighbourlies Award — quite an achievement. We have also won ourselves a new community park for the children, hopefully begun later this spring. We have also won our children's smiles, hearts and minds. If we defeat Bills 103 and 104, and the government's disdain as a whole for the citizens and for all the men, women and children of this province, we may have won their futures.

Oh, and by the way, the parents, the school community and all the children invite you at any time to come over to Orde Street Public School, 18 Orde Street. You'll find it just behind the Toronto Board of Education — you know, that place that respects and honours our children's education, unlike this government. I hope you will be so humble and so astute as to take this opportunity and learn.

Now my son has a few words.

Justin Goldenthal-Walters: Good morning. The province's proposed megacity is what you call a megamess. I can tell you from my experience, when I was two years old, I knew if I had a problem about the place where me and my mom lived, whether it's rent-controlled etc, we would go to our Metro councillors, Jack Layton, Olivia Chow or now Kyle Rae, and tell them about it. But with Bill 103, city hall and all the 100-plus staff members, councillors and the mayor will be crushed to bits. The same with hospitals, local transit, community centres, schools, and the list on. So when you go home, rich class of Tories, remember, our voice does count. Don't destroy my Toronto and everyone's future.

Mr Tony Silipo (Dovercourt): Ms Goldenthal, welcome and thank you for your presentation. I certainly

am a little bit more than familiar with the good things going on at Orde Street school and I congratulate you and the parents and the school for the continuing good work.

The initial response — and I stress the word "initial" because I think it's fair to say we haven't heard the complete response yet of the government to the referendum results — still seems in part to be hinging on, "Well, only if we find a number of ways in which we can amend the bill and perhaps make some changes to the downloading, then people will be okay with the amalgamation proceeding." I'd just be interested in your response if that turns out to be the government's final response. I'm not sure it will be limited to that, but let's just say that it is, because that's what they've told us so far.

Ms Goldenthal: I would say that is completely unacceptable, because we feel it is the essence of the local representative who's locally accessible to the public, to the community and Orde Street that is important, the fact that we've been able in the past to have all our local councillors — we've had Dan Leckie, for example. He comes to the school regularly. We have Olivia Chow, who is very familiar, and I know you have been familiar in the past; our trustees have been there constantly at our school. It's that close link, that partnership and the relationship that is built when you have a small community and a locally representative person who's readily at your access.

If we have a concern — as when Princess Margaret Hospital moved in — we can call up on the phone and that councillor will come and see us. If there is a large geographical area, I have strong doubts, and I'm sure everybody at Orde Street would have the same sense of foreboding: Would someone from a large geographical area come down and see Orde Street school constantly, any time we would ask?

The Chair: Thank you very much for coming forward today to make your presentation.

ROBERT BERRY

The Chair: Would Robert Berry please come forward. Good morning, Mr Berry, and welcome to the committee.

Mr Robert Berry: Good morning and thank you. My experiences as a corporate board member, president of two United Way agencies, totalling 12 years, and post-graduate studies at age 48 in organization development have motivated me to appear before you today. These experiences have included restructuring rationale and evaluating business plans based on supporting evidence. Bill 103, unfortunately, is lacking in both respects. I have identified two models that meet the requirements and two that I believe do not.

First, the greater Vancouver regional district: I have made three visits to Vancouver to study the operation out there and I quote excerpts from it. The greater Vancouver regional district is a partnership of the 18 municipalities and two electoral areas that make up the metropolitan area of greater Vancouver. The role of the regional district is to deliver to the area's 1.7 million people — half the population of British Columbia — essential services that are regional rather than local in nature. They include water, sewage treatment, air quality management,

transportation planning and solid waste management. Working through the GVRD, the municipalities provide these services on a regional basis for reasons of economy, effectiveness and fairness, yet the system is structured so that each partner maintains its local autonomy.

The regional district concept was established by the provincial government in 1965. The first meeting of the board was on July 12, 1967, almost 30 years ago, and it's still working. The regional district obtains most of its funds from its member municipalities, billing them for services provided. This gives municipalities a large measure of control over the level of services. Regional districts do not have authority to directly levy taxes on property owners, as do municipalities. Levies for regional services are shown as a separate item on municipal tax notices. In general, the amount for GVRD activities represents about 12% of a property owner's total tax bill. Over 90% of this is for capital costs.

The strategic planning department works in close cooperation with municipal planning departments in developing activities to enhance the region's livability. These include research on regional development trends, activities to improve the region's economy and development of a region-wide transportation plan.

The second model I'd like to refer to, fairly briefly, is the Golden report for the GTA. Recommendations to support our vision include:

A framework for a greater Toronto economic strategy that focuses on both physical and human infrastructure.

Removal of the barriers to efficient infrastructure investment to allow for a more sustainable urban form.

Removal of overlap and friction between the province and municipalities through a financial disentanglement of responsibilities.

Improved coordination for services that cross borders without centralizing service delivery.

Replacement of the five existing regional governments with a single, streamlined greater Toronto council with a more limited range of functions, giving local municipalities added powers and responsibilities to deliver a wider range of services more efficiently.

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The directions set out in this report are consistent both with the global trends affecting the city-regions and with the province's commitment to make government more efficient and effective. The greater Toronto region could save more than \$12 billion in hard infrastructure costs and maintenance over the next 25 years if we were to adopt a more efficient, more compact pattern of development. We could save an equivalent amount by cutting back the additional costs associated with higher levels of land consumption and automobile use. A conservative estimate of the savings over the next two and a half decades is \$700 million to \$1 billion annually. To my knowledge, these savings have not been questioned up to this point.

Though it is essential for GTA municipalities to become more entrepreneurial and competitive, current legislation prevents them from both exercising adequate control in local decision-making and adopting entrepreneurial strategies and practices.

The reduction of regional governments from five to one will see an accompanying shrinkage in the number of

elected office-holders serving at the upper-tier level from 134 to 30. Compare this with 45 proposed for the megacity. The task force also anticipates some reduction in the number of municipalities through the consolidations that will flow from our proposed restructuring process, and I know the province has already addressed this.

Adopting these proposals for streamlining and coordinating services will result in total annual savings of between \$1 billion and \$1.5 billion for greater Toronto municipalities, the province and the private sector. The task force came to the inescapable conclusion that underlying all the problems and issues facing our city-region is a fundamental lack of coordination. Greater Toronto's five regional governments lack the collective sense of purpose and momentum to address issues that could be handled more effectively on a single region-wide basis.

So much for the two models that I think are favourable to restructuring.

The two I would refer to briefly as not favourable: One is Winnipeg, which was amalgamated as a megacity in 1971. Two references appeared recently in the local paper. One is that while everybody predicted a lot of layoffs in jobs in the bureaucracy, since 1971 that has not taken place. One other statement that comes out is that some people predicted that the administrative costs for the megacity would double in five years. In fact, they doubled in three years.

Now a brief word about the megacity, which we believe is a clone of Metro council. This will create a monopoly and thus will destroy the competitiveness between the six municipalities. If the federal government had any control over this legislation, it would treat the government in the same way it treats corporations: It would not allow a monopoly. I think this is critical. Monopolies do not reduce costs; they increase them.

Accessibility and accountability: I have a number of stories I could relate, but I won't. One in particular on accessibility: Every year our city council, at my request as a ratepayer association, has been invited to come to Etobicoke to present their annual budget. They have refused, and not only have they refused but they have not even acknowledged a letter from the city based on an unanimous resolution to do so.

Accountability: You may remember some time ago when the question of recycling paper contracts came up. Some of the cities in Metro were able to get prices close to \$200 a tonne. Alan Tonks came begging to the municipalities to line up with Metro because they were only getting \$30 or \$40 a tonne — correct me if I'm wrong on some of those figures — and wanted the cities to come into Metro so there was just one contract. The competitiveness is very clear there. Metro was not competitive.

The Chair: Mr Berry, I'm going to have to ask you to wrap up. You're coming to the end of your allotted time.

Mr Berry: I'll wrap up with three recommendations.

The first one is, resurrect the Golden report and fine-tune it as necessary, keeping in mind the GVRD model.

Second, arrange for a binding referendum for the four 905 regions, using a question that we would hope the government and the cities could negotiate. I don't think it's as difficult as some people suggest. A yes or a no

answer, or one or the other choice, could be very clear. We are talking about, "Do you support regions or do you support cities?" You probably should list them in case people aren't familiar with them.

Third, I beg you to vote on Bill 103 with your conscience. We could end up with the difference between a dream and a nightmare.

The Chair: Thank you for coming forward and making a presentation today.

GREG SPENCE

The Chair: Would Greg Spence please come forward? Good morning, and welcome to the committee.

Mr Greg Spence: I'm a citizen of the city of Toronto. I operate a local general contracting business and have been active as a transit advocate and critic of the recent rapid transit expansion program and the Metro long-term rapid transit plan.

Arguments being made in favour of the megacity point to the need to eliminate duplication of services by the cities and Metro. But some services should be delivered at the local level to ensure awareness and sensitivity to local characteristics and concerns of its people. This requires a directly elected council to ensure accountability.

Other services, such as sewers, water, rapid transit and economic development, should logically be delivered at the regional level where the paramount concern becomes the coordination of continuous, seamless and integrated service to the far reaches of the urban fringe. Coordination of services within the entire urban area, not just Metro, is where the savings can be found through the economies of scale etc. This will only be successful if the local cities continue to exist to deliver local services wherever necessary.

It is difficult to understand how the megacity, without local cities, will give us local representation. But anybody who believes the megacity will bring savings and investment through streamlining of services and regulations should be able to see even greater savings in coordinating the whole urban area of the GTA.

When designing municipal government reform, cost savings should not be the exclusive reason for change, but if we get the right government structures in place that foster cooperation, cost savings would be a natural byproduct.

The megacity would not be effective as a local or regional government. With 2.3 million people, its population would be larger than that of six of Canada's 10 provinces. How in touch do you think that government would be with what's going on on your block? Yet in spite of its size, it would be ill-equipped to represent the needs of the urban region we live in because it would include only half the 4.5 million citizens who live there.

By centralizing power within the boundaries of Metro that were laid out in 1953, you create a huge blob of government that will be so overwhelmed with the scope of its responsibilities that it will become an obstruction for business. Successful corporations such as General Motors, IBM, Bell and Magna International, to name a few, have operations spanning huge territories but have separate divisions for different functions. The GTA also

has a huge territory and should be responsible only for appropriate regional functions so it too can be successful.

The Greater Toronto Services Board that the government is talking of creating to coordinate services will not be effective, as the elected councils would be too removed from direct accountability and split up over five different regions, all pushing their own agenda.

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Local municipalities should be free to determine their continued existence or amalgamation with each other through their own referendums. If citizens of East York have the will to remain independent, I'm sure they can do it as well as North Bay can. Citizens of Metropolitan Toronto already voted in a referendum during the last municipal election in favour of eliminating Metro. Now, with the megacity referendum result being a clear no, that is twice that the people have voted against centralizing power within the current Metro boundaries.

It's not that Metro has not served us well; it's just that it has outgrown its boundaries and everyone knows it. It needs to be expanded to facilitate efficient growth, infrastructure development and coordination. None of this requires elimination of the local cities.

The reason we don't have rapid transit to the airport or other transit initiatives that would knit the GTA together is because Mississauga and the rest of the GTA tax base was not pooled with Metro's. The regional tax base is fragmented. If the megacity is such a good idea, why didn't they include Mississauga? Why isn't Mississauga clamouring to be part of the megacity? Because they don't want shared regional government with Metro at the cost of losing their local government.

The Golden commission that studied GTA reform recommended a GTA government that would amalgamate Metro, Peel, Halton, York, and Durham regions, while leaving the local cities of these regions intact. Harris dismissed a GTA government saying that the 905 region did not want it. This rejection of the GTA concept was never confirmed, certainly not by a referendum vote. It was the Harris government itself that rejected the GTA concept, fearing that a regional government that represented 4.5 million people and the business and industrial heartland of the country would threaten the power and influence of the province itself.

To counter the threat of the emerging GTA, the Harris government moved swiftly to protect its power base by dividing its rival exactly in half, leaving the megacity on one side and the 905 region on the other. It's a classic divide-and-conquer strategy, hardly a recipe to foster cooperation. The five remaining regional governments of the GTA will be free to pursue their own agenda, planning their futures in isolation, resulting in a fragmented approach to economic development, infrastructure and service delivery.

In summary, the problem with the megacity is that it involves the elimination of local governments inside it as a reduce-government exercise, as opposed to the GTA concept that was to merge five regional governments into one as its reduce-government exercise. With the GTA concept we would continue to enjoy both local and regional representation while still reducing the number of governments, leaving us with a regional government

structure capable of coordinating the business of the complete urban region in preparation for the 21st century.

Applause.

The Chair: Order, please, ladies and gentlemen.

Mr Jim Flaherty (Durham Centre): Thank you, Mr Spence, for your presentation. I must say, you've gone a bit beyond Bill 103 in dealing with the Greater Toronto Services Board, but it's all part of local governance and trying to sort out, disentangle, services between different levels of municipalities to best serve the greater Toronto area. As you know, the province has appointed Milt Farrow as the special adviser for the Greater Toronto Services Board, and he has his paper dealing with some of those issues out for discussion purposes.

From a transit point of view — and I see you have been a transit advocate and have a special interest in that area, and I see also you're questioning the Greater Toronto Services Board and its approach — how do you see transit being best dealt with in this large area of southern Ontario?

Mr Spence: I think it needs coordination at the GTA level. I think it needs a directly elected government, council, behind it to ensure accountability. By putting it in the hands of a services board, all the decisions are going to be made behind the scenes and it's going to be very removed from public access. I think you're still going to have the different regions with the greatest power bases struggling with it, pulling it this way and that way. You need a regional approach to the planning.

The planning that's been done to date on rapid transit has been done at the Metro level, and that hasn't really been completely accurate. First of all, they have a long-term plan that's very ambitious. It will never happen without the tax base and the GTA being part of it. The routes that are planned are all very dependent on political sway and what not. I don't really think a regional approach was ever taken. I think the people involved will tell you that as well. They worked with what they had, which was a Metro framework, and the outer regions never really had a rapid transit strategy because their planning was done, and continues to be, without a transit support of densities. We need greater control of our land use in the outer regions.

I also think that the people who are responsible for development of the urban sprawl at low densities and the outer rim of the GTA should also be responsible for the decay or abandonment of the inner core.

The Chair: Mr Spence, I apologize for interrupting. We've gone a little bit beyond the allotted time, but I want to thank you on behalf of the committee for coming forward this morning.

Would Jasmine Ignieski please come forward.

1050

ARTISTS ACTION COALITION

The Chair: Kelly McCray, Peter Such and Merle Matheson? Good morning. Welcome to the committee.

Ms Merle Matheson: My name is Merle Matheson and I'm a professional actor in Toronto. I'm a member of ACTRA and Canadian Actors' Equity Association.

Mr Peter Such: My name is Peter Such. I'm a novelist, screen writer and professor at York University and I represent the Writers' Union of Canada.

Mr Kelly McCray: I am Kelly McCray. I'm co-director of Mercer Union, a visual artist and here also with Artists Action Coalition.

Mr Such: We'd like to thank the committee for allowing us to make this presentation to them and explain just a little bit about what the Artists Action Coalition is. It's a group of cultural workers from many sectors of the Toronto arts community. The three of us here today represent only three of those organizations, but there are dozens of arts organizations in Metro Toronto, with a total membership of approximately 200,000 people. A poll conducted by Arts Vote, a non-partisan civic alliance of these organizations, found that 96% of these 200,000 artists would be voting no in the referenda on amalgamation.

Obviously cultural workers contributed strongly to the rather devastating rejection of the ill-conceived legislation this committee is considering, in much the same way as they contributed to the election of Mayor Barbara Hall in the last civic election, and as they undoubtedly will in future elections in Metro Toronto.

Many of these organizations have requested that we present to you their detailed thoughts on the detrimental effect of amalgamation on the arts, and we've brought many of these letters with us and ask that they be made part of our submission today, although we are not reading them out to you because it would take a tremendous amount of time.

I would now like to turn the body of this presentation over to my colleague Merle Matheson, member of ACTRA and the Actors' Equity organization, a professional actor.

Ms Matheson: When Fortune magazine proclaims that Toronto is the world's most liveable city, we dare to make the claim that one of the major reasons for that livability is 200,000 artists and their families who make up the cultural life of this city. Although artists would prefer to be judged by the spiritual and moral effect theatre, literature, music and the visual arts have on society in general, we concede that we represent one of the most powerful commercial dynamos in this city and in this province; 1994 research tells us that culture is an \$8.4-billion — that's right, billion — industry in the GTA. In Toronto, cultural events pull in \$1 billion from tourists alone every year. Ninety per cent of this activity takes place in the downtown core where essential facilities exist.

What other industry can claim to be able to convert one of the tiny dollars put into it by direct investment through civic commissions or arts councils into \$12 in gross return and \$5 in taxes? Funding an artist is like buying straw and having it turn into gold. Ceaselessly using their capacity to seek out those neglected and abandoned city corners where opportunities for cheap space and living conditions can be transformed into liveable and productive communities, they are the shock troops of urban regeneration. Yorkville and Queen Street are the most recent. Parkdale will be next if you let it. Converting a sow's ear into a silk purse is nothing

compared to how generations of artists from all over the world have transformed the many pigpens of old Hometown into the vital, multicultural envy of the world.

Like civilization, like democracy, cultural development has to be taken care of and nurtured. Most artists exist by subsidizing their creative activity through their day jobs. As Debbie O'Rourke, environmental sculptor, put it, next to parents, artists are the largest volunteer sector in the economy. Why, you might ask, would anyone wish to create conditions tantamount to throwing a bag of salt on a bed of roses? Florence, during the Renaissance, became a world-class modern city of its time mainly through the work of its artists, the Michelangelos, Leonardos, Berninis and Cellinis. Its population at that time was exactly the population of North Bay today. Is this what it's about, Mike? Drive out of Toronto a couple of hundred artists who can no longer afford to live there so your home town can use them to make it to the big time?

What other reasons could there possibly be for taking the world's best city, the subject of international wonder, and deliberately screwing it up? Bill 103 creates a situation where artists will have to compete with welfare, child care, a host of social services. Already living on the margin, many artists will find their entrepreneurial independence demolished. Incapacitated as parents, unable to afford child care or rent, unable to find the wherewithal to keep their creative juice flowing as high taxes gut the city's central core where most of them live, their sources of subsistence will become flimsier and flimsier until they are reduced to hectic scavenging. Artists will fall from merely needy into impoverished.

Bill 103 has taken none of this into account. With its flagrant arrogance, this government has not seen fit to consult with this important sector as it has not with any others. There is no provision, for instance, for the continuance of the Toronto arts council, seed funder for thousands of cultural activities in this city, including our symphony orchestra, opera and many artistic and literary events. Neither is there any provision made for the continuance of the Metro Arts Council. Already coping with 30% cuts to Ontario Arts Council funding, can artists be excused for assuming that the government's intentions are genocidal in this respect?

The irony of ironies is that it was Premier John Robarts's vision which created the arts council, and Bill Davis's cultural awareness which nurtured the dynamic growth of arts and culture as an essential part of making Toronto and its regions into the successful metropolis we see today. What was the secret which kept previous Tory regimes as the government of Ontario for more than 40 years? It was because they had one essential difference to the Tory government we see today. They listened, they consulted, they were democrats, not ideologically driven authoritarians. Unless something was seriously broke, they didn't fix it.

To give you something of the flavour of the measure of dissatisfaction with this bill that almost 80% of those voting in the Metro plebiscites mirrored, we shall conclude with reading into the record a selection of passages from the letters we have in hand.

I'll turn my time over to Kelly McCray.

The Chair: Mr McCray, you only have a minute remaining.

Mr McCray: Okay. I'll just read one paragraph from Charles Street Video and then one more short letter.

"This bill is quite simply an abominable piece of business. It is all the things public policy should not be: ill-considered, unnecessary, expensive, hypocritical, frighteningly anti-democratic and unfair. The avowed aims of the bill, to increase efficiency, streamline services, reduce duplication and entanglement, are a ruse designed to obfuscate its true design, which is to download on to the municipalities the responsibility for crucial social programs. The bill's proponents should rightly feel one emotion that this sorry affair has proceeded as far as it has: shame."

One more; personally, this is from myself:

"I would like to take this opportunity to thank the current provincial government for their hard work and dedication. Having had the fortunate opportunity to live in Toronto over the past 10 years, I had previously decided that people of Ontario and people of Toronto were apolitical. The rigorous, swift and direct actions of the provincial government have proven me wrong. Never have I seen the passive and contented people of Ontario care quite so much about the current political climate. Artists, teachers, doctors, health care workers, unions, students, pensioners, welfare recipients, lawyers, environmentalists, taxpayers, the rich, the poor and the middle class all feel that they must take a position on most if not all the legislation that is proposed by this government.

"I would personally like to congratulate our PM on his ability to mobilize the general populace of a province. When was the last time you saw grandmothers, librarians and accountants take a non-violent course in civil disobedience in preparation for our government's actions? Keep up the good work."

Applause.

The Chair: I'll remind the audience that the rules of the Legislature apply to the committee rooms and there's to be no audience participation. Each time I have to make that announcement we lose time for presenters. We might have been able to hear more of the letters if we'd had less interruptions. I'd appreciate it if you'd keep that in mind.

1100

RON MAZZA

The Chair: Would Ron Mazza please come forward. Good morning, Mr Mazza. Welcome to the committee.

Mr Ron Mazza: My name is Ron Mazza. I'm a lifelong resident of the city of Toronto. I'm a civil engineer, graduate of the University of Toronto. I'm vice-president of a major engineering firm in Toronto, a national company.

I am not a wild-eyed radical. Bill 103 is turning me into a wild-eyed radical, the same as thousands and thousands of people in this city who are getting involved in something they don't like. I suppose the provincial government should be thanked for that, for creating a level of political awareness and involvement that hasn't existed in the cities of Metropolitan Toronto probably in my lifetime. If that was the intent of Bill 103, I think you

should be congratulated. I don't think that was the intent. It's a benefit as a sideline.

Out of my own curiosity, who in this group are members of the Conservative Party, the government?

Mr Flaherty: All along this side.

Mr Mazza: I'm addressing this group and I'm addressing you as individuals. How can you as individuals, members of a supposedly democratic government, support Bill 103? Do you not have any conscience? Do you not have any sense of what the people you are governing actually want? I think the referendum or plebiscite, whatever you want to call it, spoke very clearly about what the people of Metropolitan Toronto wish to see, and it's not Bill 103.

I've seen lots of rationalization taking place, both in the daily papers that support your position and in the government itself, trying to downplay the results of that referendum. I've seen all sorts of dancing around about how it doesn't really apply to amalgamation; it's all about all the other terrible bills you're planning to introduce that were getting people upset, which is a very strange logic, I thought, but that's what I heard Al Leach say.

Let me make it very clear: This person sitting in front of you and everyone I know who is involved in this issue oppose Bill 103. They're not confused about downloading. They're not confused about Bill 104. They don't like those either, but they are very clear that they like the city government they have. Local government works very well in Toronto. The Star poll made that very clear. The majority of people in Metro are quite happy with the services they're getting from their local governments.

Where Bill 103 came from is an absolute mystery. Crombie didn't recommend it. The Golden report didn't recommend it. Before the election, Harris didn't recommend it. Before the election, Leach didn't recommend it. It came straight out of the blue. That was the one thing this government did that was completely unpredictable. Its response since then has been more predictable, in trying, as I say, to downplay the results of the referendum. But to carry on with Bill 103 in any amended form, by changing Bill 104 or Bill 107 or the downloading as a rationalization for responding to the referendum, simply isn't going to cut it.

The people of Toronto are now politicized like they have never been politicized before. If you continue with this madness on Bill 103, it's not going to go away. You can modify your bills and you can force this thing through the Legislature, you have that power, but the people who are opposed to the loss of local democracy are not simply going to fade into the woodwork. There's going to be an ongoing battle.

I've seen it happen in Toronto before, on the Toronto Islands. The Toronto Islands issue was exactly the same on a smaller scale. Paul Godfrey and Metro Council, the mega-council you love so much, tried to destroy a local community. That community got organized, exactly the way Toronto is getting organized now, and it fought back, exactly the way the citizens of Metro Toronto are going to fight back. They took that battle beyond the shores of the Toronto Islands and involved all of Metro Toronto.

In the same way, the citizens of Metro Toronto are going to take this battle beyond the borders of Metropoli-

tan Toronto and involve all of Ontario, because there are allies out there in other cities you're planning to do things to, without their support, that are going to become involved. There is going to be a knitting of common interests to protect local democracy across this province, probably like has never occurred. If that was the intent of Bill 103, again, it's a wonderful thing to happen, because local democracy, I think people are realizing, is something very important to the citizens of this province. This government's attempts to remove that local representation from the people will not go without a major battle. That battle, as people become more and more aware of what's going on, will spread well beyond the borders of this city.

The point I want to make is very, very simple and very, very clear: Please, as elected democratic representatives of a majority government, look at your consciences. You're dealing with a piece of legislation that virtually has no support. It has no logical, rational basis. It comes from nowhere. The only people who support this legislation seem to be Al Leach, Mike Harris and God knows who else within your party. Why you would go along with that kind of mindless following of a piece of legislation that is completely damaging to local democracy, completely against the will of the people affected, is beyond me. Don't you have any conscience?

Bill 103 cannot be amended. It cannot be window-dressed up to look better. There are not parts of it that can be made better and make the whole bill work. It is a bad piece of legislation. It should not be even discussed further in the House. If the government has any sense of public responsibility to the people it is governing, the bill should be and must be withdrawn.

The Chair: We now have less than two minutes, Mr Colle, for questions.

Mr Mike Colle (Oakwood): Since Mr Mazza addressed the Conservatives on the committee, I'll give my two minutes up to any member of the Conservative Party to respond to him.

Applause.

The Chair: Order, please, ladies and gentlemen. If we continue to have outbursts, we're going to have recesses and then folks are going to end up losing time for presentation, so I'd appreciate it if you'd keep it down. Mr Gilchrist?

Mr Gilchrist: I have no problem with that. Mr Mazza, you're certainly entitled to your opinion. I could take considerable exception to some of the phraseology you used in your presentation.

We have considered all of the choices that face us in shaping the future of Metro. We have formed a vision that's obviously different than yours. I don't think it is appropriate to call it mindless. On the other hand, something else should be read into the vote on Monday. Clearly there are people who have concerns. We've heard it here today. You and others continue to lump into this bill issues that aren't even before the Legislature, such as the disentanglement. There is no bill for the disentanglement. They lump in education reform. They've lumped in Bill 104 and others.

Clearly the people voted with a wide range of concerns on their mind. Not necessarily all 76% of the people who voted no would have the same concerns. I would hope

you would accept that as a truism. It's also true that 69% of the people in Metro didn't vote; 69% of the eligible voters didn't. In my riding, over 80% didn't vote. To suggest that they are somehow mindless, to suggest that they don't know what they're doing by not voting no, is really quite condescending.

We have a vision. Our vision is that Toronto is great and it can be made greater. We can find savings. There is no loss of community by reducing the number of politicians; in fact, ironically, the politicians will probably become more accountable, more accessible, by being forced to wear both hats instead of how it is right now, where we have some councillors who deal with primarily local concerns and others who make decisions that affect us equally but are on the big-picture items such as TTC and the major roads.

Interruption.

The Chair: Mr Gilchrist, I'm sorry to interrupt, but you're beyond the time.

Mr Mazza: I have just one comment. If Mr Gilchrist is so confident of his vision of Toronto, I would ask him to include the citizens of Toronto in that discussion.

The Chair: Thank you, Mr Mazza.

Ladies and gentlemen, I also remind you that members on all sides of the committee have the right to ask questions and make comments without being hooted or hollered or hissed at, and if that continues, we can do this without an audience. If you find that you can't extend that courtesy to the members, then I ask you to go to committee room 1. It's an overflow room where you can watch the proceedings and do all the chatting and hissing you want to do down there. But while you're here, I'd appreciate it if you'd respect the rules of the Legislature and not participate from the audience.

1110

REID LESTER

The Chair: Would Reid Lester please come forward. Good morning, Mr Lester. Welcome to the committee.

Mr Reid Lester: I'm a resident of Toronto. I also work in Toronto. I have prepared a paper which I presume is in front of you all.

The people have spoken and the people have spoken loudly. Over 75% of the voters in Metro Toronto voted no to the provincial government's proposed megacity legislation. I believe this vote was a legitimate expression of public opposition to the provincial government's plans and the government should heed this vote. However, this is only the end of the beginning. We must move on to the next step from here. The question is, where do we go from here?

I believe we can solve the problems set out by, among others, the board of trade and the Golden commission, but we need to clarify and identify what these problems are. I also believe we now need a period of reconciliation so that the government and the stakeholders can harness the tremendous energy the megacity debate has generated. We need to harness the energy to create the policies necessary to preserve Toronto as a wonderful place to live, work and visit, and to preserve it as an engine of Ontario's and Canada's economy. Later in the address, I will offer some of the ways I think we can do this.

First of all, as with any vote, there will always be people who get bogged down in discussions as to what the results of a particular vote means. I see the Toronto Star and Alan Tonks are already attempting to dismiss or diminish the importance of the vote. I view them as being both paternal and condescending. For my part, while I agree the vote was not conventional in the way normal elections are, I believe it was a legitimate expression of public opposition to the government's proposals, and I have several reasons for that.

First of all, the sheer numbers of No voters were overwhelming and undeniable. If the government ignores these results, it risks being labelled an arrogant, power-mad institution that cares little about the people it governs, the shareholders, if you will.

Second, the citizens are very well informed on the issues. Like no other debate in decades, the megacity debate has captured and involved Metro citizens through discussions of all types: town hall meetings, newspaper articles and commentary and these committee hearings. This has all been educating, and the people have been educated. The criticism of amalgamation proponents that citizens do not really understand what they have done by voting no I think is patronizing and insulting.

Third, I believe that the referendum results were a rejection of all of the government's proposals. Anyone who has been around Metro for the last couple of months cannot deny that everything has been on the table, everything has been discussed, everything is interrelated. It's inconsistent and hypocritical for a government which prides itself on being a populist government to view its own 1995 election victory as giving it a mandate to do anything it wants. There is nothing in the Common Sense Revolution about downloading. While the Common Sense Revolution talks about eliminating one level of government, the Premier, prior to the 1995 election, was talking about Metro being the government that should be eliminated, not the cities.

Finally, the government gave the cities no choice. From the time the legislation was brought out both to download and to amalgamate, the Premier and his ministers have stated emphatically that their minds were made up, that they had no intention of consulting and that they would disregard the results of any referendum. Given these circumstances, what other choice did the citizens of Metro Toronto have but to conduct the various referenda? For the government to complain now about the referendum process when it chose to employ a highly questionable process of its own is at the very least hypocritical. Further, if the process is so questionable and illegitimate, why did the Premier himself bother to vote?

Citizens are now energized across Metro. They are informed on issues like they never have been before. They want to be, and are entitled to be, involved in the debate on Toronto's and Metro's future. I don't think anyone disagrees that there are problems that have to be dealt with, but what we need to do now is to harness the energy in a constructive fashion. With an energized, educated and politicized public, we have a historic opportunity right now to debate and enact the public policy and legislative changes that are required in our city and our region, but before that we have to identify what the problems are.

I have set out the problems, and they can be summed up as follows:

First of all, taxation. There are three main taxation problems:

(1) Assessments of residential properties are out of date and so there are disparities.

(2) It can be argued that businesses pay more than their share in Metro.

(3) There are disparities in property taxes as between Metro and the 905 region. This and the argument that business is paying more than their share in Toronto has led to a fleeing of business from Metro. This has to stop.

Next, there has to be coordination between Metro and the GTA. Almost one half of the GTA's population lives outside Metro. Both the Crombie and the Golden reports have recommended that municipal government develop so as to recognize this and deal with it.

Third, overlap and duplication in the coordination of service delivery must be dealt with.

Where do we go from here? Change and reorganization is not easy, and this government prides itself on taking on difficult challenges. The government and the energized citizenry, through its local elected representatives, can work together on this thing. But a city is like a living, breathing organism, and you cannot make dramatic change to one part of the organism without all of the organism being affected. The complexity and the interconnectedness is the very reason why it is so critical that careful study and analysis be done, because once we can see how the organism is going to react, then we can debate whether those changes are acceptable and whether they will solve the problems we hope to solve.

As a first step, the government needs to re-establish its credibility, and it needs to do this in part by including all players in discussions of what is to come next. The government also needs to demonstrate its good faith and demonstrate that its primary concern with all these changes is the good health of Metro and the region. To do this, the government must abandon its current megacity proposal altogether and start over. I would suggest the following five steps:

First, the government must establish a new consultative process which involves both stakeholders, and I mean by that local governments too, and the public and experts in the area of urban planning.

Any new process must start with the proposition that the citizens have expressed their view that they want their local governments to stay. In Toronto, this is now the second time I've had the opportunity to express my view on this, because I also voted in the 1994 municipal election where the same alternative was given to us, and we voted in a non-binding vote to do away with Metro.

The process must also consider how to create a region-wide level of government with full taxation powers, something that has teeth, a new Metro if you will. A lot of the work has already been done on this. The government has rejected it, but a lot of the work has already been done. It's critical that careful study and analysis be done so that we can anticipate how proposed changes will affect Metro and the cities.

I remember seeing Tom Jakobek last year when the Golden commission came out. There was a round table at

the St Lawrence Centre, and Mr Jakobek took the view that he wasn't going to accept anything in the Golden report, particularly having to do with actual value assessment, because he hadn't seen the numbers as to how things were going to be affected. I agree. Let's have the numbers. Let's see what's going to happen. Up until now, we've been asked to accept something without knowing what the studies are saying, because as far as we know there are no studies.

Next, the government must legislate that there will be no downloading of soft social services on to the municipal level. The board of trade recommended in its 1994 report *Killing the Golden Goose* that welfare be funded entirely by the province, and this is the board of trade. If the government insists on taking over education funding because of a quid pro quo that has to take place, the Crombie commission provides for a way that can be done.

1120

Next, the government has said that all these changes are going to be a wash, and yes, I'm mixing amalgamation and downloading together, because I think they're inseparable. The government has said that it's going to be a wash. That's fine. Let's have some legislation that enshrines that. It's not nearly good enough, like the *Toronto Star* says, simply to say that the reserve fund should be spared. That's not enough.

Obviously considerable thought needs to be given to alternatives to local property taxation. I won't get into that here. I don't have time.

Finally, I suggest that any new amalgamation proposal should be submitted to the citizens of Metropolitan Toronto in a binding referendum so that we stakeholders have a say in how our future unfolds.

Proponents of amalgamation have argued that the No side has no alternative vision, that we are just naysayers. This is not true. The model set out in my paper is a workable compromise that addresses longstanding problems, and the solutions have been here all along.

It would be easy for opponents of the government's megacity proposals, such as myself, to gloat about the referenda results, but in my view that's not at all constructive. We need to harness the energy out there, we need to overcome the pettiness and the clash of egos and we have to get on with the hard work that lies ahead.

The Chair: Thank you very much, Mr Lester, for coming forward and making your presentation. Unfortunately, you have exhausted all of your allotted time, but I want to thank you on behalf of the committee for coming forward today.

Would Joel Rosenbloom please come forward. Joel Rosenbloom?

CO-OPERATIVE HOUSING FEDERATION OF TORONTO

The Chair: I know Maggie Keith is available. Welcome to the committee.

Ms Maggie Keith: Chair and members of the general government committee, the Co-operative Housing Federation of Toronto thanks the committee for the opportunity to speak out about Bill 103, the megacity bill. I have

listened with interest to some of the remarks made by previous speakers, and they confirm me in my sense that we were right to limit our approach merely to speaking about the bill that is actually before the House. The government certainly implied a connection between the bill that is before the House now and some of the other measures that have been referred to as downloading, which will be coming forward in future, but nevertheless, we thought that we would respect the structure of the hearings as we understand them to be and merely confine our remarks to the bill that is actually numbered 103.

The Co-operative Housing Federation of Toronto represents about 1,800 households in 140 housing cooperatives. Not everybody is fully aware of the difference between housing cooperatives and other forms of not-for-profit housing. In fact, the cooperative movement as a whole is a school of democracy. The residents jointly own the housing cooperatives in which they live. Their ownership rights empower them to approve financial statements, budgets and monthly charges. We take responsibility for any deficits that we run and we keep any surpluses that we generate.

Housing cooperatives set policies and democratically elect a board of directors from among their number to manage the cooperative, with or without staff. Members of housing cooperatives value their control over the micro-community and they value their role as citizens of Toronto and other municipalities in the greater Toronto area.

As the Toronto representative of these cooperative organizations and individual voters, the Co-operative Housing Federation of Toronto must speak against the government's plan to take away the democratic rights of the citizens of Toronto through Bill 103.

Bill 103 is proposing to do this in three ways.

The first is by forcing amalgamation on hapless citizens who have been told that they will have no choice about this done deal, this despite their decisive rejection of it by plebiscite when one considers all the municipalities taken together.

The second is by reducing local control over civic government. When each councillor represents over 50,000 people, we will all mean less in our communities. When we compare the success of small and medium-sized resident-governed housing cooperatives with the ugly troubles of huge bureaucrat-run government housing projects, the conclusion is inevitable: Small is beautiful, and I say that as somebody who is five feet, one and a half inches tall. The lesson is as clear for civic government as it is for housing communities.

Third, we have elected civic representatives to act in the best interests of the people in their wards. We trust them to enact bylaws, sustain and develop the infrastructure, encourage political and cultural life and foster the spirit of toleration and mutual respect that has made Toronto the most civilized city in Ontario.

But Bill 103 would place arbitrarily appointed trustees over our elected representatives. These people have been given the power to overturn decisions and to give secret orders to municipal staff without regard for the Canadian tradition of open government. A transition team is already imposing a structure and making staffing decisions, even

before Bill 103 has been passed by the Legislature. Worse yet, the decisions of these unelected governors may not be reviewed or questioned by the courts.

This dictatorial scrapping of representative government is unacceptable to our members, who are consistently active as property owners, voters and citizens. We urge you not to proceed with this legislation. It is foreign not only to Ontario but to the British tradition of responsible government and limitation on the power of the executive.

This bill is reminiscent of the actions of governments, until now in other unfortunate countries, that have rejected the principle of "no taxation without representation" and have overturned the rule of law. The historic consequences of such actions abroad and in the nation to the south of us have been bloody rebellion, social upheaval and an answering defiance of the law from angry citizens and a parasitic criminal element.

We ask the committee to have regard for Ontario's history of democratic government by the people and for the people. Please, advise the government to let Bill 103 die.

Mr Silipo: Ms Keith, thank you for the presentation. There are a couple of questions I want to pursue with you. We will know later today for sure, but from what the government has been saying and from what the minister has been saying, at least part of their initial response to the referendum results would be to indicate that they believe that by making some changes to the bill, such as greatly reducing the powers the trustees would have — or reducing, maybe greatly; I don't know if that's a proper description or not. But making some changes in the role of the trustees and making some other changes would, in their view, satisfy what they believe people said through the referendum. Would that be your sense, that this is a bill that can be amended by such things as reducing the powers of the trustees?

Ms Keith: My sense is that had the government made that decision at an earlier stage in the process, it would have been effective. At this particular time things have gone too far, and I think it would be very difficult to convince the citizens of Toronto to accept a modified version of the bill, given the level of passion and anger that has built up. I think modifications that people would have been happy about earlier would be treated with scorn now. I say this with some regret, because I believe in a consultative process and I believe in people working together to try to achieve the best they can, but I think it's too late for that.

1130

Mr Silipo: This will be known by the end of the day today, because by the end of the day the amendments are to be tabled with the committee and we will know whether those amendments will be tabled or not. But one of the things we've heard recently is that the government might not table any amendments at this point and might instead choose to leave the amendments to be tabled when the bill is supposed to go back to the Legislature for one hour's worth of committee of the whole before third reading, which would mean that all the amendments the government would propose, plus any amendments the opposition parties might propose, would all have one hour to be debated and dealt with, and then we automati-

cally would have to proceed to voting. I'd be interested in your reaction to that course of action if that is what the government chooses to do.

Ms Keith: I am not sure what I can say, really. Probably it's very clear to anyone who sits around the table that people would take that as a strong show of defiance towards people who made the choice to vote in the plebiscite and expressed their opinion quite decisively. I take the qualification that Mr Gilchrist made earlier; nevertheless, the number of people who tend to vote in municipal elections at all is often very small and I think there has been enough of a vote for the referendum vote to be taken seriously. I think people would merely get angrier. I don't think it would have any good effect at all.

Mr Silipo: We have put forward a proposal in response to this whole mess. We have suggested that the government should withdraw the bill and proceed to set up a citizens' assembly, and in order to ensure that the impetus for change continues we've suggested a deferral by one year of the municipal elections as they apply in the GTA, allowing the process to unfold in the way it should. In the remaining seconds, I would be interested in your reaction to that.

Ms Keith: I think that sounds like a good idea. Again, I remember Mr Gilchrist's remarks about the need for a vision, but I think a vision is created by all the participants. I think our people would like what you're proposing, and of course we would expect members of the party that has formed the government to be part of that group so we could all try to work together to achieve something that would be really effective and that would perhaps ultimately result in a merger that has everybody behind it.

The Chair: Thank you very much, Ms Keith, for coming forward and making your presentation today.

Ms Keith: I want to thank members of the committee very much for the opportunity to speak. We really appreciate it.

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 79

The Chair: Would Anne Dubas please come forward. Good morning and welcome to the committee.

Ms Anne Dubas: Thank you very much, Mr Maves and members of the committee. With me is Denis Casey, the first vice-president of Local 79.

My name is Anne Dubas, a good Ukrainian name, pronounced "Dubis," not "Dubaw," if you don't mind, sir. My husband gets very upset. I am old-fashioned and did take his name in marriage, almost 28 years ago; that's a long time, but it's been okay.

Local 79 is the union that has represented the workers at the city of Toronto since 1942. We have also represented the workers of Metropolitan Toronto since 1954, when our workers went from the city of Toronto, some of them, to provide the regional type of services that Metropolitan Toronto serves. They took with them the city of Toronto collective agreement: their wages, their benefits, the clauses, the periods, the whole thing. In 1966, when Metro was expanded and we took on the soft services at Metropolitan Toronto, we continued to

represent the workers at the city of Toronto and Metropolitan Toronto, and indeed, believe it or not, Riverdale Hospital. In those days Riverdale Hospital was also run by Metropolitan Toronto.

We have a long history, and you can see from our letterhead — unfortunately, we didn't realize we were to bring 50 copies and we only brought about 25, so it's the green document. You can see from our letterhead that we have at this particular time six bargaining units representing close to 9,000 people, not counting the other 2,000 part-timers that we have just unionized in Metro and the city of Toronto.

I'd like to state that in our 55 years as a union we have tried hard to work with our employers. In fact, we have helped create the stability and the vitality that exist both at the city and Metropolitan Toronto. As the front-line workers and the representatives of the front-line workers, we can speak very strongly about the value of the two-tier system that presently exists in Metropolitan Toronto. We don't like to hear the myths about duplication.

Before six years ago we may have had to side with you on some myths of duplication, but during the last six years we too recognized that the tax revenues going into the city and into Metro were being harmed. We had to work with our employer and we did. Believe it or not, we've worked hard, even up to a strike deadline of last August where we made the decision that no, we will go for a sixth year of no wage increases because the services and the programs we provide at Metropolitan Toronto and the city of Toronto are of great importance.

I'd like to draw you to the first of the four points we're raising, and that is that two-tier government has served us well. Moving into the second paragraph, at the local level, the city of Toronto provides services that are not provided at Metropolitan Toronto. It provides unique things. Even down to the time when the children moved out of that abandoned building and on to Nathan Phillips Square, it was city of Toronto and Metropolitan Toronto people who provided the services. Out of the 45 kids — being as old as I am, I can call them children and kids — only one came from 416. The rest came from 905, 705, 519 and 613, the other area codes. The people of Toronto, in this vital city we have created, providing homes for the aged, child care, public health — it is what we provide and it is this that draws business to here, to the city of Toronto.

The Metro level of government and its function: Just as you, the elected representatives here at the provincial level, have your functions and your things to deal with, so do the lower-tier and upper-tier governments here in Metropolitan Toronto have to deal with it.

We try hard. We have worked with them. As I mentioned, we have not had a wage increase; we're not here to ask for that, nor have we done that with our employer. We're here to ensure that the services and the programs provided, that draw the quality of business — right now, the big landlords down on Bay Street are trying to get Stone Consolidated to move to Toronto instead of Abitibi-Price to move to Montreal. The advantage here is the stability, the cleanliness of the city, the ability to attract business. Toronto is the financial hub of Canada,

not just Ontario. It is this geographical area of Ontario that we have to keep alive and well.

Our members believe in that. They believe in the quality of services we provide to the taxpayers. They believe that if we don't continue to provide that quality, that dedication, that responsibility to the taxpayers, this province suffers, and we feel the responsibility not just to the local taxpayers but to everybody here in Ontario.

We see Metro and the City of Toronto — yes, the city, when you use it in that context, as you do in your bill, does have a big C on the city — as complementary levels of government, and it has resulted in a system which balances the needs of all the communities and spreads responsibilities in an equitable way.

Our second point: On Bill 103, slow down and let's get it right. The City of Toronto Act of 1996 — and we're aware of not only the 1834 but the 1909 City of Toronto Act; we're aware of the Municipality of Metropolitan Toronto Act of 1953 and 1966. As a responsible union we have to be aware of the people we deal with, not the enemy, not the opposition — yes, the people on the other side of the table — but the people we partner with in order to ensure that the public sector services stay (1) within the public sector and (2) are delivered by us.

1140

We are concerned that Bill 103 is still undemocratic. We were listening to the questions and answers before. The transition team seems the most draconian part of this, where you are turning over to non-elected officials the right to establish how to govern our area. That is wrong. I do not see the members of provincial Parliament turning over to the business community how you are going to run. That is abdicating your responsibility.

The responsibility, the attentiveness to the local taxpayer, has to be there; it has to be recognized. It's these extensive powers that undermine the elected councils' ability to represent their citizens. We believe the scope and powers of the transition team are arbitrary and unreasonable. The newly elected council, whether we keep the two-tier or move forward, should be making these kinds of decisions on behalf of their citizens. Their citizens elect them. They are there to make that.

Rarely in the city of Toronto and Metropolitan Toronto have the citizens of Metro been so involved and provoked, and that is the word: They've been provoked about the passage of this bill. Thousands came out, and it wasn't the big-U union out there; it was the citizens. It was our members. Our members are the community, our members are the public, and the 9,000 of them were there. We do have a brochure afterwards to show you what Local 79 is and the extensive education we're doing. We are running courses for our people not only on the amalgamation of the municipalities, Bill 103, but Bill 104, the school boards and the downloading. I will get there quickly, as I see the time running out.

The downloading, which is our point number 3 — guys, it's wrong. You cannot offload to the municipalities just because the federal government offloads to you. You do not pass the buck. No, we don't just write and protest to this level of government; we also protest to the federal government. We may be a local union, but we recognize our responsibility to all taxpayers to stop the offloading,

and Chrétien is picked on a lot more than we pick on Mike.

Downloading and the amalgamation are now inexplicably linked in most people's minds, and they should be. Any economic advantages a megacity might possibly provide to a municipal taxpayer will be quickly wiped out for the downloading. There's no way the Stone Consolidateds are going to move their head offices here if you've screwed up the city of Toronto. We want the city of Toronto to continue to be the real financial hub for the country, and that is the whole of Canada. Not that we're anti-Quebec, but we believe they would be better off here in Toronto. The opposition has come from unexpected sources. How often do you see us, as a union, on the same platform as the board of trade? I mean, when that happens, you know you've really screwed up.

It is time to recognize that everybody can have some levels of misguidance, but you also sometimes have to relook at what you're doing and saying and listen to the people. We're talking about the CAOs, and we're talking about the Association of Municipalities of Ontario, and they're saying no, don't download. It is wrong.

On our last point is on the services of the public sector employees, and they're highly valued. One of the reasons why Toronto and Metro Toronto, with its two-tier government, with its multiple services, is recognized — Fortune magazine, those people to the south of the border, are looking to the north of the border, and that's Metropolitan Toronto, for the kind of city that it wants. They don't want Metropolitan Toronto to become the Chicago of the north. One of the reasons we reached and we were recognized by Fortune magazine and other organizations outside of Canada was the quality of services, our homes for the aged, our child care, our roads, our traffic. It is important.

You saw last week where Metropolitan Toronto recognized it was necessary to continue these services and it looked to its taxpayers. They had the integrity and the responsibility and the recognition that they needed a tax increase because the cost of asphalt to fill those potholes has gone up, the cost of the barriers on the Don Valley to maintain safety had gone up. Those aren't public sector services. The cost of replacing the ambulances that you put people in had gone up; they have to be replaced. That is not a public sector service. You must recognize that as part of the value, the stability and the quality of Metropolitan Toronto, and these services have to be recognized. They must continue to be delivered in whatever format by public sector workers directly employed by the level of government that is providing those services.

The Chair: I apologize, Ms Dubas, but we're already well beyond the allotted time.

Ms Dubas: Thank you. I had five more pages.

The Chair: Thank you very much for coming forward and making your presentation this afternoon. There's no time for questions.

Ms Dubas: May I leave with the clerk our orange document for information?

The Chair: Certainly.

Ms Dubas: And the history of Local 79. You may find it interesting, for those people who have never really been exposed to a union.

The Chair: Jasmine Igneski or Joel Rosenbloom? This committee is in recess until 3:30 this afternoon.

Mr Colle: On a point of order, Mr Chair: In looking at the list of speakers before us today, I fail to see the trustees we asked to come before this committee. Are they going to appear?

The Chair: No. I was under the impression that Mr Pickard was phoned the other day, and I know we informed Mr Silipo or Mr Marchese that he had declined to appear. I thought that your caucus had also been informed of that; your office had been.

Mr Colle: I thought it was the explicit instruction of this committee that those three trustees appear before the committee, be asked to come.

The Chair: The committee can't compel anyone to come. They can only put forward requests. The only way you could ever compel anyone to come is that we would have to adjourn, go back to the House and get a Speaker's warrant. I think that's unprecedented, actually. Committees always extend the invitation to people to come and speak and it's really up to them as citizens whether or not they want to come.

Mr Colle: I want to be on the record as certainly pointing out that this is an affront to the committee. These three trustees who were appointed, who functioned for a number of months before they were found to be acting illegally by the court and whom the minister has said he's going to reappoint if the bill passes, will have a major role in Bill 103 even after the fact.

My understanding is that these trustees have hired a major accounting firm under their auspices. I'd like to know if that accounting firm is still functioning. I'd also like to know whether the legal staff they have hired is still functioning. That is why I think it's critically important that they should have appeared and had the decency to come before this committee as they were requested.

For them to deny coming before this committee is an affront to the committee and the people of Metropolitan Toronto who have a great interest in the trusteeship and how it's worked and how it will work, because it is one third of this bill. For them not to come — I think it might be possible to pursue maybe asking for a Speaker's warrant to force them to come. I think that would be appropriate. I'm going to pursue that.

1150

Mr Silipo: On the same point of order, Mr Chair: I also want to express my dissatisfaction with the decision the three individuals have made. I understand and appreciate the fact that technically those three individuals are now functioning as private citizens because, as a result of the court decision that found their appointments were illegal, they are no longer acting as the trustees. But they did act for a period of time as the trustees under the intended legislation, with the powers under the order in council being the same as those they would have under the legislation when that legislation would be passed, as the government saw it. As far as I am aware, they still are the intended trustees whenever and if the legislation is passed.

In that sense it would have been more appropriate for them to take the request of the committee seriously and

appear. I understood and did not make an issue of the fact that they chose not to appear before the committee while there was an issue in front of the courts, but notwithstanding the decision of the courts, it would have been appropriate for them to be here. I think it would still be useful and there still is time for that to happen. Particularly if the rumour mill is correct and we aren't going to have any amendments from the government for tomorrow morning, we're going to have a fair amount of time tomorrow in committee, if that turns out to be the case. I would still think it would be useful to once again ask the clerk to reissue an invitation for them to appear, even if that is tomorrow. Quite frankly, even if that were to take some time away from clause-by-clause, I think it would be useful. So I make that request.

Even if we were to proceed, it still would be useful to have them here because, as I say, they are going to be — if the legislation goes through, then certainly the government's intention is still to do that. We can only go by whatever intention the government has given us to date, that they want to proceed with the legislation. If that turns out to be the case, then I think it's incumbent upon these individuals, or one of them on behalf of the three at least, to appear before the committee.

On the question of a Speaker's warrant, I appreciate what you said, that it hasn't been used, and I appreciate that it would require the committee agreeing to ask the Speaker to do that, but I think it would be important for us to express to these three individuals how strongly we feel about the importance of their being here. Just at this point I would make the request that the clerk reissue the invitation, pointing out that notwithstanding the events of the court decision, we think it's still valuable and useful for them to be here.

Just picking up on some of the other points Mr Colle was making — and I realize the parliamentary assistant isn't with us, but would ask whoever is acting in his stead in the meantime, if there is other information, if there is other work going on that the three trustees had begun through either accounting firms or others, that this information also come in front of the committee, particularly tomorrow as we begin clause-by-clause debate of the bill. I would just ask that in the normal way in which that information has been provided to us — well, it hasn't been provided in a number of cases, but I think the tradition is that when we ask for information, it comes before us. It would be very useful for us to have in terms of dealing with the clause-by-clause discussion of the bill, which is supposed to begin tomorrow. I'd make that request of the parliamentary assistant as well.

Mr Flaherty: If I may just comment briefly on the point of order with my own view on it, this is not a government committee; this is a committee of the Legislative Assembly of the province. This is the standing committee on general government. We sit on this committee as members of the Legislative Assembly, all of us, regardless of what political party we happen to be affiliated with.

Having said that, it has been clear that there has been concern that the Legislative Assembly not be treated in an inappropriate way by considering legislation to be passed and law before it is law. We are dealing with a

bill; we are not dealing with an act. The act may or may not become law — if and when it is passed at third reading and receives royal assent. There are no trustees. The judge of the Ontario Court (General Division) who dealt with the case offered his view by which, subject to appeal, we would be bound, that the orders in council ought not to have been made and, as I understand the ruling, are void. In those circumstances there are no trustees, there is no act, and for this committee of the Legislative Assembly to suggest to the Speaker of the Legislative Assembly elected by us that he, the Speaker, should issue a warrant for persons who are not appointed to appear before this committee in their capacity as appointed persons, which they are not, is, with respect, nonsensical.

Mr Sergio: To clarify that, Mr Chairman, I understand that this piece of legislation has been sent to this committee for consideration, and we are doing exactly that. I would like to get from the minister, as he said that when this legislation is approved he will reinstate the trustees — we are hearing that there are no trustees. I'd like to know from the minister, through you, is he willing to reappoint the trustees under any circumstance? I would like to know that.

The Chair: I can't answer that question but I can perhaps direct it to the parliamentary assistant.

Mr Sergio: I would appreciate that. We have heard the outrage from the people with respect to the appointment of the trustees and the transition team. We would like to know from the minister, since he has said he will take into consideration what he has heard up to now and he will use the next three or four weeks to bring in changes and amendments, if he will include again bringing in the appointment of those trustees. If you can answer that, I will take that as an answer.

Mr Gilchrist: As my colleague from Durham Centre has very ably recounted the legal framework, I would add that to in any way be influenced by your point of order would be to assume those sections of the bill will carry. I think that is a prejudging of the actions of this committee and of the House that is quite inappropriate. As was demonstrated by the Speaker's ruling, one should not prejudge things. I think you are similarly going down that same road. Over and above that, the premise behind the point of order that trustees were trustees and were doing the sorts of things that were suggested here, engaging legal counsel or accounting firms — in point of fact they were not trustees; they were an unnamed board of three individuals having exploratory meetings, in fact very productive meetings, just familiarization meetings between themselves and the chief administrative officers, chief financial officers of the affected communities. They do not exist as a board today. They are private citizens.

As members of all parties will remember, the subcommittee report which we ratified said they would be invited. They have declined to attend, given that they have no official status. It would be extraordinarily inappropriate to compel any private citizen to come before this committee. At this point in time they have no official standing. The bill has not passed. There are not trustees. There may not be trustees. To suggest that we should somehow take the extraordinary step of asking for

a Speaker's warrant is really nothing more than theatrical, and I would suggest, with the greatest of respect, that we have taken the steps which are appropriate for this committee. Before the court ruling, the request was made for them to consider attending before us here. They have declined. The court ruling now renders the whole issue quite moot, and I would suggest the point of order is quite inappropriate; in fact, it's not even a point of order.

Mr Sergio: Mr Chair, I had asked you a question. Can I hear your answer, please? You said you'd have the answer to my question. My question was —

The Chair: I said I would ask the parliamentary assistant to answer the question.

Mr Sergio: I thought you said, "I can answer that."

The Chair: No, I asked the parliamentary assistant to answer it.

Mr John Hastings (Etobicoke-Rexdale): Just a brief comment: I find it extraordinarily bizarre that Mr Colle, who has lashed us time and again over the court's decision, when the city of Scarborough submitted this question as to the legality of the role of the trustees and that particular General Division judge came up with his decision, has pointed out, if I recall — we could probably find in his questions or remarks in the House — that this was a contempt of the Legislature. If it was a contempt of the Legislature on the basis of the way in which the original Bill 103 was drafted, then it would be absolutely absurd and a double standard to have this committee entertain the question of having them back here, because now you have a second time they're in contempt.

If they were in contempt the first time, as the judge found this government to be, based on the submission of the bill by the city of Scarborough and its submissions, I find it just absolutely bizarre that you would now make a request that they be here when they do not even have any official status. I find it absolutely bizarre. It's like taking two points and arguing to the centre, as you have in many cases throughout this whole debate.

In my estimation, since the judge made a decision, we have to respect that. Now you're asking this committee to turn around and invert itself upside down and suddenly argue in logic the other way, that they ought to be here because you made the request. You'd probably condemn us again if we even entertained the possibility, and Anthony, you'd say we were in contempt again. You'd be in contempt as well, then.

1200

Mr Silipo: We should be clear. I don't think Mr Colle requested, and certainly I have not at this point requested, that we ask the Speaker for a warrant. Let's just be clear that isn't the point we made. I did request that an invitation be issued again to the three individuals.

The Chair: Could you put that in the form of a motion?

Mr Silipo: I move that the clerk request the three individuals who had been appointed as trustees to appear before the committee.

Just on that, because it relates to that, I also wanted to ask, because I did point out that we may have lots of time on our hands tomorrow — that depends on what the government decides to do with the issue of amendments. I just wanted to know if the parliamentary assistant is in

a position at this point to shed some light on that issue. Are we going to have amendments tabled by the government by 7 o'clock, or are we not going to have amendments?

The Chair: There are a couple of things there. First of all, there's a motion that we reinvoke the three individuals who were at one point appointed to be trustees from 103, and —

Mr Gilchrist: Appointed to be a board.

The Chair: Right. The only problem with that is that the only time they could possibly appear is this afternoon or this evening. All we can do is clause-by-clause tomorrow, by order of the Legislature. We can have a vote on whether or not we do that invitation. That's your motion. I just want to make that clear.

Mr Silipo: Chair, the committee, even by unanimous consent, couldn't hear them tomorrow?

The Chair: No, because it's —

Mr Silipo: Let me suggest then that if it helps you in the motion I'll leave open the question of when they would be scheduled, because my hope would be that if we agreed to invite them and if they agreed to appear, even if we had to this afternoon, get a dispensation from the House that we could do that on the request of the committee — so we'll deal with the issue of when to schedule them, could I suggest, second, to the question of whether we agree to invite them or not?

The Chair: The motion to reinvoke. We have that now. Does anyone want to speak to that motion?

Mr Colle: It's quite incredible. Now the government spokesperson is even denying they were trustees. Now they're a board of advisers. This charade has to stop. This committee made a specific request. We only requested that these three individuals appear as witnesses. Whether they are private citizens or whether they are trustees, or now they're advisers, this committee of the Legislature has the prerogative and the right to invite anybody to appear. Whether a court has ruled either way on this, we have that prerogative to invite citizens to appear before this committee and that is what the essential point is here.

The minister stated immediately after Judge Brennan's ruling that he was going to reappoint these three trustees — those were his words — after the legislation was passed. So these three individuals not only have had a great deal of bearing on this bill already because they have been working; as the assistant deputy minister, Ms McLaren said, even when this court case was before the judge, these trustees were continuing to work. I was appalled at that time when I asked the deputy minister, "If they are refusing to come before this committee because they're using the pending court case as an excuse not to appear, why should they therefore be continuing to function as trustees?" That was their excuse at that time for not appearing.

Now I find we can't determine what influence they've had on this whole bill, what information they have, what they've discerned from the work they've done over the last couple of months. I would also be very intrigued to find out whether the persons they have hired, the legal staff they hired — George Rust-D'Eye is their legal consultant. They were given instructions by the minister

on December 17 that they will be retaining the services of a major accounting firm to assist them with their task.

By the way, the minister in their instructions refers to them as trustees; board of trustees, that's what they're referred to as. I would like to find out whether this accounting firm has been hired, if it's still working or operating, what influence it's having on this bill and the process, and also whether Mr Rust-D'Eye or other legal staff have been working or other people have been working and are still working despite Judge Brennan's ruling.

I think it's very germane to the work of this committee because not only have the trustees had an influence before the judge's ruling, the minister is quite unequivocal in saying he's going to reappoint those three trustees when the bill is passed. It's not in any way looking at them as individuals and whether their role has been above or beyond the law; they certainly have had a significant role to play in this bill. If you look at Bill 103, one third of the bill deals with trusteeship and their functions. This is a trusteeship bill. It says very little about governance. It says about the functions of the trustees.

For this committee to be denied access to these persons who have had an integral input into Bill 103 and will have an integral input into this bill if it's passed, because they may be making significant decisions on the future structure of this act — I think it's critical we request again that they come before this committee, as simple as that, as citizens, and we have the right as a committee to ask them to come.

The Chair: Two things in there: There's a request to the ministry to find out about a supposed law firm and accounting firm. I note Mr Gilchrist has noted that and will undertake to get some sort of response. You've spoken to Mr Silipo's motion.

Mr Flaherty: I'll just respond to what the member for Oakwood says. He finds himself in the unfortunate position of wanting trustees who are not trustees to appear in front of this legislative committee in their capacity as potential trustees, which is an interesting, twisted form of reason, if it is reason. There's an impolite way of putting that kind of logic. The polite way is to say one cannot assert a fact and deny a fact at the same time, which is exactly what the member for Oakwood is seeking to do. As a member of the Legislative Assembly, I can't support that sort of illogical approach.

Mr Hastings: I just want to reiterate that in my estimation Judge Brennan made a decision and we have to respect that decision. Now Mr Colle is requesting that we not observe the decision, at least not the spirit of the decision.

Mr Sergio: That's not what he said.

Mr Hastings: He may not have said it, but there are lots of things that have been said in this committee and sometimes we're not very good listeners, including myself. I've noted that throughout.

Mr Sergio: You can say that again.

Mr Hastings: I would like to suggest that this is an inappropriate request on the part of Mr Colle. It has nothing to do with the standing committee being denied whether it should hear or not hear; it is simply a fundamental violation of the spirit of the decision.

Even if you did concede the possibility that they ought to be invited, as soon as they sat down, as sure as I'm sitting here, Mr Colle would be the first one to be lecturing them, questioning them on why they're here, and that they themselves, by acceding to the request, would be violating the spirit of Judge Brennan's decision. As far as I'm concerned, the motion is completely inappropriate and out of order.

The Chair: I don't think it's out of order and I'm going to entertain it, so it's just a matter of how you want to vote on it.

Mr Silipo: Just to make it really clear, let me suggest that I've rephrased the motion so as to be an invitation to the three individuals, Mr Pickard, Ms Gibbons — I apologize, I don't recall the third.

Mr Colle: Armstrong.

Mr Silipo: Mr Armstrong, to appear before the committee. Just so we're not getting into the morass of trustees, non-trustees or legal title, right now I appreciate the fact and I understand and accept that they are private citizens. Notwithstanding that, I believe they have valuable input they could provide to the committee in dealing with this bill. Both because of the experience they've had, whatever we may wish to call that, under whatever title they perform those functions, and given the government's to this date indication that these would be the three individuals who would be appointed, I think it's useful for all the reasons we've put on the table for these individuals to appear before the committee. Just so that we're not into a procedural wrangle, I would like to have the motion read that we invite the three — Mr Armstrong, Mr Pickard and Ms Gibbons — to appear before the committee.

Mr Gilchrist: I appreciate, Mr Silipo, your clarification, and if it is your submission that we are doing nothing more than inviting them to attend, to participate, then I can —

Mr Silipo: Yes, that was the motion on the floor.

Mr Gilchrist: Except that the phraseology about using trustees and that sort of thing I think was inappropriate. If it's purely and simply a request to invite, I can support that. Given the time frame, if the clerk is requested to invite them for this afternoon or this evening, and I believe there are spots available, then I can support your motion.

The Chair: Seeing no further debate, I'd like to put the question. The motion from Mr Silipo is that the committee reinvoke Cy Armstrong, Jack Pickard and Val Gibbons to appear before the committee, hopefully this evening in an open spot.

All those in favour?

All those opposed?

I declare the motion carried.

I will instruct the clerk to reissue those invitations by phone and by fax.

Mr Silipo: I had asked another question earlier. Could Mr Gilchrist reply, in terms of whether there would be government amendments tabled today or not.

Mr Gilchrist: I can't answer that yet.

The Chair: Thank you. We're recessed until 3:30.

The committee recessed from 1210 to 1542.

TORONTO ARTS COUNCIL

The Chair: Good afternoon, ladies and gentlemen. Could I ask everyone to please come to order. We're a little bit behind because of the vote, so I'd appreciate your cooperation today. Order, please, ladies and gentlemen. Thank you very much.

Our first presenter this afternoon is Anne Collins. Anne, could you come forward. Good afternoon. Welcome to the committee.

Ms Anne Collins: Good afternoon. My name is Anne Collins and I'm president of the Toronto Arts Council, which is the city of Toronto's arm's-length adviser and funder of the arts.

As a representative of the city's arts community, I could break the tone of these long weeks of hearings by singing for you or dancing for you, but I'm neither one of those. I'm a writer, so I'm going to give you a metaphor.

A long-time city dweller who still works right downtown, I now live on our family farm north of Whitby. My metaphor has to do with what's outside my living room window, which is an orchard. This is the season of pruning. We cut now to remove diseased and dead wood, to cut away overlapping branches and badly directed shoots. We cut to let sun and air get to as much of the tree as possible, to promote healthy growth. If a tree has been neglected or badly damaged by weather, animals, insects or disease, it must be carefully and lightly pruned. We have to bring it back to health in stages, directing its new growth over a number of years. Overpruning will weaken or even kill it.

When we prune healthy trees, we keep certain goals in mind. We wish to encourage healthy branches to produce a sustainable amount of fruit on a regular basis. This is not nature's way, so people have to intervene with intelligence to shape the growth to their needs. Pruning is a continuous process, and life is not tidy.

You may not yet see a connection between your responsibilities and those of the orchardist. Here I am talking to a committee on amalgamation of municipal governments about pruning, but think about this image: An orchardist new to his calling but of an eager and inventive nature decides he will have a more efficient orchard if he grafts seven trees together to form one huge tree. He begins cutting and grafting. It's time-consuming, confusing and complicated work. Some grafts don't take and die; some grow off in wildly divergent and unforeseen directions. The tree grows monstrously tall and requires really tall equipment to service it. He spends his whole life tending to this one tree. Meanwhile his neighbour has long since pruned his seven trees and gone on to his other chores.

In a meeting I had recently with David Crombie, he was talking about how he thought that arguing about the structure of the city was fruitless, that the ethos of the city was the thing that mattered. He was pretty sure that Toronto's ethos would not change no matter what structure is imposed on it. I'm not so sure you can make such a distinction: separate ethos from structure. It seems to me that the ethos around the arts in the city is inseparable from the structure, for instance.

Twenty-five years ago, Toronto city council created a structure to administer its arts funding and be its adviser on the arts: the Toronto Arts Council. It chose a volunteer, artist-driven model with a tiny, efficient, professional staff that would function at arm's length from the city's politicians.

Over the years, between city council and the arts council and the arts community, we've created a climate where artists don't feel like they are constantly going cap in hand to their funders, and instead feel like they are partners in making a city; where artists are not considered dilettantes frittering away public resources, but citizens building community by the nature of what they do and what they make, which has to be performed, published, put out there expressly to gain a response from audiences, from neighbours, from businesses and from the city itself.

Over these weeks you've heard others speak of the economic benefits of a thriving arts community in a city such as Toronto. The Toronto Arts Council has reams of studies and figures, which we would be happy to send to all of you, which lay out the economic benefits in detail. I'll cite only one example, a telling example. During the last vicious recession, the only sector of the municipal economy to keep on creating jobs in Toronto was the arts sector. Toronto city council has recognized how the arts contribute to the health of the city by being the only level of government in the last few years that hasn't cut funding to the arts.

But I was talking about ethos. The relatively little bit of money that the city has spent on the arts is only one piece of the supportive ethos. For the most part, when city council looks at artists, it sees citizens with whom it's working in partnership.

For instance, during the last real estate boom, when the city became too expensive for artists to work in, artists, the Toronto Arts Council and the city created a cultural facilities fund to help organizations find low-cost ways of staying downtown. As costs continued to rise and the city became too expensive for many artists to live in, artists, the Toronto Arts Council and city council got to work on live-work initiatives and zoning changes that kept artists in the city. A benefit of these initiatives is an ongoing revitalization of many once-abandoned industrial areas downtown.

When the old ways of arts funding proved too exclusionary in a city of immigrants, artists, the city and the TAC got together on cultural diversity initiatives that became a model of change for other levels of government too.

Is it any wonder that other cities look to Toronto itself as a model of a healthy downtown, cities such as the amalgamated Detroit, for instance? Its population of two million was halved in a decade as residents fled increased taxes and deteriorating services in the inner core. Last year Detroit deputy mayor Nettie Seabrooks announced a plan to revitalize the city downtown by reinstating arts funding. "The quality of life of a city," she said, "is defined by its cultural aspect throughout history. When people talk about Toronto, the first thing they mention is the museums, the galleries, the symphony orchestras," and I'd add the vibrant arts scene and the theatres.

In the last few weeks there's been a fair amount of speculation in the media not only about the fate of the cities but the fate of the Toronto Arts Council in an amalgamated city. Some have described us as one of the gems of the city, the perfect model for any municipal arts funding structure and the most efficient arts funder in the country. Our admin budget is the benchmark other funders hope to reach. But our demise has also been predicted. We've been Xed out of existence to save our half-million-dollar administration budget. As president of the board, I'd certainly not let it be that last option.

When we're talking about the ethos that has built an arts community unequalled in the country and hard to match on the continent, it's not as simple as looking to eliminate duplication of services. The Toronto Arts Council funds the arts in the city to the tune of about \$4.7 million a year. Metro parks and culture provides just under \$6 million. We share clients and had found ways to streamline our administrations to save dollars before megacity was even a whisper in this government's ear.

1550

The Toronto Arts Council's focus is on the non-profit, the small to mid-range, the individual artist, the cultural sustainers and the innovators. Quite often we are the first government funder in. Our artist-based board tends to know intimately who is worth the risk. They know because they live and work and dream in their communities. Our arts organizations are built on an intricate interleaving of support from four levels of government, from the private sector, from the artists themselves and from the people who come to see or buy the work. This is another part of the ethos that has made Toronto a great city for the arts. Paradoxically, it's been careful and innovative public support of the arts that has allowed many of our companies to be better private fund-raisers than their counterparts in the US.

Cities that work recognize both the local importance of the arts and the significant impact of the arts on the region, and develop mechanisms to support both. When London, England abolished the greater London council in the Thatcher years, it created the London Arts Board, an arm's-length funder that was given a budget equivalent to what it had been before, about \$33 million. The Arts Council of England spends another \$127 million in London, funding the large institutions and devolving grants programs to the local boroughs. None of this is a property-tax-based thing, by the way.

The Department of National Heritage spends \$154 million a year on London, and a new national lottery established specifically for arts funding pours in another \$481 million, a total of over \$812 million a year, compared to \$80 million from all levels of government for Metro Toronto. In England, as in Europe, you'd be booted out of office if you cut arts funding, but that's a larger debate even than the one we've got here.

I've come to you to try to explain the complexity of the community we've built in Toronto over the decades and to stress that the ethos David Crombie talks about is built of many intertwined parts, and you can't simply prune it like a hedge. We've grown carefully and pruned well, and as citizens we need some reassurance from you that you understand the nature of the arts infrastructure in

the city. All we've heard so far is Premier Harris saying that tax breaks will mean that more consumers will buy art. But art isn't entirely a creature of the marketplace.

I'll give you one last example, a personal one. A few years ago I got a nice advance, \$30,000, from a small book publisher to write a book on a psychiatrist named Dr Ewen Cameron who did brainwashing experiments on his patients, partly funded by the CIA. The thing about book advances is that they come in stages and are paid back out of royalties. The publisher doesn't want to give you too much money until the manuscript is in hand, which is private sector thinking.

This was an expensive book to research. I had to spend weeks in Washington and Montreal and New York state, and I had to stitch the resources together. The first grant to come in was \$1,500, in the first year the Toronto Arts Council gave individual writers grants — I wasn't on the board then — to finance the trip to New York state. Then I got another \$1,000 from the Ontario Arts Council just to back me as a writer. Then I applied to the Canada Council with a careful budget, and they gave me \$12,000 to bankroll more trips. But they couldn't pay right away, so I went to the TD Bank, and with the assurance in hand from the Canada Council, I floated a demand loan payable when the grant came in. Then I had to do a few stints of full-time editing in order to finance five months of writing time. Two and a half years later, I had a book. It sold well in Canadian terms: 5,000 copies. Of course, it wasn't enough to pay back my advance.

This could sound to all of you who don't know book publishing like an economic disaster, and in the short term I think it pretty much was. But then the book, which was called *In the Sleep Room*, won a Governor General's award. Then Donald Brittain, a wonderful filmmaker, optioned it. Then he died and the whole project looked like it was going to fall apart. Then a producer from the CBC bought the script, bought the rights, and he employed many a scriptwriter and many a story doctor and many a story editor as he tried to find a shape to turn this dark book into a popular TV drama. This week he finally started filming a four-hour miniseries.

I'm telling you this to show how this intricate mix of personal, private and public investment is the way we get our stories told in this country. In the long run, there are usually economic benefits from these ventures, but the artists and the producers are usually just thinking about how to put the resources together to get the work done.

I would ask you and I would ask this government to please think long and hard before you attempt to disentangle the way arts funding gets done in Toronto. As a bare minimum, sustain the resources, but also think about the means.

The Chair: We have two minutes for questions.

Mrs Julia Munro (Durham-York): Thank you very much for coming here today to share not only your position with the Toronto Arts Council but also obviously your own personal position as well.

I wanted to ask you a question, because throughout the hearings we've heard from various groups representing different aspects of the arts and one of the messages that has come to us through this has been the difference between the way in which the arts are supported at the

Toronto level and the Metro level. I just wondered if you could comment on that for us.

Ms Collins: At the Metro level, half their budget goes to the big four: the symphony, the AGO, the ballet and the opera company. They also have a more bureaucratic process. They're not arm's length from the Metro politicians and they're not necessarily artist-driven, though they're very responsive to their clients.

At the Toronto Arts Council we have a very small, strong professional staff, but we're volunteer-run and artist-driven and there's a majority of artist members on our board. Because of that, we have a very grass-roots kind of connection to the arts community. Over 25 years of working with Toronto city council, we've built up a really strong sense of mutual respect between the political process and the processes of the arts community. That's basically the difference in a nutshell.

The Chair: Thank you very much, Ms Collins, and congratulations on your success.

CANADIAN UNION OF PUBLIC EMPLOYEES, LIBRARY WORKERS COMMITTEE

The Chair: Would Steve Burdick please come forward. Good afternoon, Mr Burdick. Welcome to the committee.

Mr Steve Burdick: Thank you very much. I did prepare a written brief, which I believe all the members of the committee will now have before them. I'm sure all the honourable members can read so I'm not going to bore you by simply reading through the document, but I would like to make a few points that arise from the document and related matters.

I guess the first thing is to let you know that I come representing the library workers committee within CUPE. We are one of the subjurisdictional groups there. We represent about 4,500 library workers in this province. CUPE, as you may know, has organized almost all of the large and middle-sized libraries and a fair number of the small libraries in this province. That's about 50.

In the Metro Toronto area as well, we have regular meetings of the library locals. We represent the Metro reference library, the Toronto Public, Scarborough and North York. We also hear from East York and to some extent from York. Mississauga sometimes visits, but of course they're a little bit outside your ambit. So the comments I'm going to make to you have been considered by all those people. So much for preliminaries.

I believe we're here to talk about Bill 103 and chiefly what it's going to mean for the provision of library services in the greater Toronto area if it is enacted as it now stands. I know you've already heard quite a bit from other presenters about the bill in general, and particularly their concerns around the provisions in sections 9 and 11 around trustees and the interim team. I want to tell you that we share those concerns. I'm not going to elaborate on them too much. We're certainly concerned as to whether or not the members of those bodies will be able to in effect replace the elected officials for the various municipalities. That's a very important consideration for libraries, and why it's an important consideration I will explain to you in a minute.

Why it's important for us is that the libraries in Metro Toronto, the greater Toronto area, are all pretty well large to middle-sized libraries, and 80% to 90% of their funding comes from the municipality. They do also get a fair amount of money directly from the province, and that's a separate subject, but the bulk of their money comes from their municipality. In effect, anything that overrides the authority of those municipal councils may in fact have very serious implications for those library boards as they are now constituted and for the services that those boards are responsible currently for delivering.

1600

It's important you recognize that Bill 103 occurs at the same time as Bill 109 is in front of the Legislature, and it has already had second reading, as I understand it. It will revise the current Public Libraries Act, although it's not in all ways consistent with Bill 103, but what's particularly important about it is that it seems to take away a lot of authority for trustees of local boards. In fact, it says that local boards will no longer be dominated by citizen appointments. In effect, in that way and in many other ways, Bill 109 has the effect of transferring authority for libraries to the municipal councils either directly or indirectly, which may or may not be a problem. That's the subject for a separate discussion, and CUPE intends to speak to you about that, but we're quite concerned about it because it obviously creates some problems.

It also, and I think this is important for you to take note of, removes the mandatory presence of separate school board representatives from the library boards. That's very important for libraries, because libraries are not only a cultural institution but they're an educational institution and they are part of the educational network, not only of the province but certainly of this region. Our school boards depend very heavily on our local libraries, and that's our primary schools, our secondary schools and our post-secondary schools. They will all be impacted by these sorts of changes.

Bill 109 also calls for explicit contracting-out provisions. Bill 103 doesn't say that, but I understand you have some other regulatory changes coming down which may point in the same direction.

Our real concern is, if there is one large library board — which may not be the case, because Bill 109 preserves the Metro reference library board, or at least it appears to, whereas Bill 103 dissolves it, apparently. But let's say there's one large library board. What will happen? First of all, this one large municipality will have to deal with all the downloading concerns you've heard about from many other people before. I'm not going to go through those too much, but suffice it to say that we understand in the Metro Toronto region we'd be looking at new costs of over \$1 billion one way or another, and we'd be looking at the \$7 million or \$8 million that the province now puts into the libraries in this area becoming now solely the responsibility of the municipalities, a responsibility they may have trouble dealing with, not to put too fine a point on it.

We're quite concerned that the only way a new large municipality will be able to deal with all this will be by reducing its services one way or another, because, first of

all, libraries are seen as a soft service. I don't think it's a secret to anybody in this room that libraries tend to get the short end of the stick. That may or may not be a good thing in some people's minds, but if you want to talk about a province and a municipality dealing with the information age, if you want to talk about a provincial and a municipality dealing with the educational and informational needs of their citizens, it's not a good thing. They're going to have really serious problems.

What do we think is likely to happen from this? Being in direct competition with other services which are being squeezed, cuts will happen. Small branches: Many of those will probably close already. Keep in mind that the seven systems now have 94 or 95 branches. We think a lot of those branches are likely to close. We think the hours of service throughout the system will probably be reduced, leading to a reduction in the number of front-line staff, which will not help our users. They need our staff to help them get through the increasing amount of information that's in front of people these days.

Support operations will probably be very seriously cut into, and the library, to the public, tends to be the librarian at the desk. That's fine, but for that librarian at the desk to do her or his job, there has to be a whole host of other support services, and all those support services are going to be hurt. On page 5, I list for you some of those services. We have people in administration; communications and development, which by the way is where PR teams and fund-raising teams are often found; financial services; preservation; conservation and binding — those materials have got to be preserved, obviously; maintenance and facilities; graphics and photography; computer operations and systems operations; acquisitions and cataloguing. There's a whole host of things that take place below the surface to make sure library services are provided.

Library boards: The new local board will be under immense pressure to get into outsourcing. As I mentioned, Bill 109 anticipates that and provides for it. But we're quite concerned as to what outsourcing will do. The contractors may look attractive at first. They may come in and say, "We can do this for less," but it has been our experience throughout the public sector that once the contractors are in the prices go up later. The other thing that happens with contractors is that they remove the authority from the institution. If the contractor is responsible for your acquisition and ordering procedures, they are in effect going to be governing what sort of materials wind up in your library. That is not necessarily a good thing. That's a decision that should remain with staff who have been trained to find out exactly what our communities need.

We know that libraries may be talking about user fees to you. The experience throughout North America has been that user fees at best get 4% to 6% and typically raise 3% of operating costs. There's no way on earth that is going to meet the pressures we're facing.

The Chair: Mr Burdick, I apologize for interrupting. You only have about 30 seconds left. Perhaps you can wrap up.

Mr Burdick: That's great. I've got about 30 seconds to conclude. I appreciate that.

By way of conclusion, just to let you know, we're very concerned that a new, single large library board is going to effectively mean a signally reduced level of service, not to mention an enormous amount of job loss, which will probably be of no benefit to the community whatsoever. That's where we're coming from.

The Chair: You've effectively exhausted all of the allotted time, so we won't be able to entertain any questions. I want to thank you on behalf of the committee, though, for coming forward to make the presentation today.

GORDON MacKENDRICK

The Chair: Would Gordon MacKendrick please come forward. Good afternoon, Mr MacKendrick. Welcome to the committee.

Mr Gordon MacKendrick: I'm in favour of amalgamation. As a native Torontonian who has spent 15 years on the executive of two different ratepayers' associations, I am appalled by the totally unfounded and unsubstantiated information that is being touted by the opponents of amalgamation.

After attending a meeting organized by my MPP, and attended by Mr Gilchrist, in early February to explain in detail the background and rationale for the final integration of the six municipalities, I came away with a very positive feeling towards a unified Toronto. I have also attended several hearings here at Queen's Park and reviewed the KPMG report.

Opponents of this final integration have provided no factual data or information to support their views, nor have they provided any significant recommendations of their own. Reports prepared by KPMG, the six mayors and Metro all show net savings of millions of dollars by the end of the transition period of a few years.

Unification opponents deal in rumours, scare tactics and propaganda fostered by soon-to-be-unemployed politicians, union officials and those unfortunate bureaucrats who will be out of work with the downsizing that will occur. The rhetoric appears to be based on fear of the unknown and is often politically motivated. The mass exodus predicted by author Margaret Atwood is pure nonsense. Remarks by Toronto Councillor Olivia Chow that Meals on Wheels will be gone, social workers gone, with no money to fix anything is pure fiction. Comments by Mayor Barbara Hall that the KPMG report was "hastily written after the fact" impugns KPMG's professional integrity.

Comparison to the Halifax-Dartmouth amalgamation is like comparing apples to oranges, because there had been no previous unification of services in the area. A better comparison would be the successful amalgamation in Ontario of Galt, Preston and Hespeler in 1973 to form the city of Cambridge. Today, according to a survey which they had conducted, their services and taxes are comparable to those of Brantford and Guelph, which have had no amalgamation.

1610

The semantics of my North York megacity telephone referendum ballot was very biased towards a No vote. It

reminded me of the language of the October 1995 Quebec referendum, which was couched in language to produce a No response. Mayor Lastman and his councillor spent my tax dollars to send me a newsletter telling me to vote No and then stated that North York residents have a lot to lose — "Here's what's at risk for you" — and then proceeded to name all of the firehalls, libraries, parks, indoor arenas, playgrounds etc, covering 12 different types of facilities. This kind of scare tactic is completely unfounded.

This integration is a downsizing exercise which industry has been undergoing for the past decade. Banks, railroads, oil companies, IBM, Bell etc have all significantly reduced staff. My last employer has cut their staff by 25% over the past five years. In recent years, the most dramatic downsizing was Ontario Hydro, which reduced their staff by a third a few years ago, and this has resulted in a 4% reduction in electricity costs in North York since 1993. I noticed in this morning's paper that Desjardins credit union in Montreal is going to downsize 500 jobs over the next three years, mostly by attrition.

Eliminating one complete level of bureaucracy is the only realistic and logical way to ensure that Toronto can survive without excessive tax increases. In this period of low inflation, Metro taxes have gone up 22% from 1991 to 1996.

Increasing the municipalities' share of welfare from 20% to 50%, while not part of Bill 103, greatly impacts on the amalgamation issue. Changing or downloading the funding for welfare and social housing is the main reason for a very real and genuine fear of amalgamation. The assurances that the \$700-million municipal social assistance revenue fund will look after "an unexpected rise in welfare costs" doesn't come close to allaying this fear. This fund just doesn't cut the mustard and satisfy concerns about welfare costs rising in the future.

The welfare legislation should contain some sort of provision to allow for the proposed 50-50 cost-sharing ratio to be changed to a more equitable ratio, with the province picking up a larger share of the costs if welfare costs rise above a defined amount. This could be a fixed sum or a percentage increase above benchmark costs.

Finally, I discovered in talking to a variety of people about Bill 103 that most of them really don't understand who does what to whom and they're confused by the changes in education, welfare, social housing and other services. I suggest that the careful use of charts and graphs in the print media would go a long way towards a better understanding of the give and take of amalgamation.

To paraphrase Abbott and Costello: Who's on first? I don't know. He's on second. Who is it — Leach, Lastman or Sewell?

Mr Colle: Thank you, Mr MacKendrick. I appreciate your coming here today. You mentioned that you found the KPMG report quite acceptable. I just want to read you an analysis done by Deloitte and Touche on the KPMG report.

Mr MacKendrick: I didn't say that I found it acceptable; I said I reviewed it.

Mr Colle: Let me just ask a more general question.

Mr MacKendrick: All right.

Mr Colle: As you know, KPMG took about two or three weeks to come up with its report. I know your business background. Do you think you can really properly do a cost-benefit analysis of seven major corporations that have budgets totalling \$7 billion in two and a half weeks?

Mr MacKendrick: No, not in detail, but I think you get an approximation. If you look at the KPMG report, all three people who prepared reports indicated there were savings. I personally think that if there are savings they will be minuscule, but I think you'd have a much more streamlined organization in government.

Mr Colle: In essence, you're saying you might have more streamlined government. Do you believe the claims of KPMG of \$865 million in savings? Is that really credible?

Mr MacKendrick: No, but I think their indication is that if you take the worst-case scenario, they come up with something in the range of \$80 million.

Mr Colle: What about the cost of converging departments and reorganizing and the diseconomies of scale? Do you think those savings, whatever they may be, might for the most part be offset, certainly in an initial phase, by these diseconomies of scale and the cost of severance packages etc?

Mr MacKendrick: Yes, I certainly think that in the transition period you're going to have excessive costs over and above normal operating costs, but I think those have been cranked into the KPMG report.

Mr Colle: I don't think there was any reference to the cost. I think they did mention that \$150 million or \$200 million might be the cost.

What about the fact that traditionally, if you look at the analyses on the cost of governments that are larger than a million, the basic axiom is, as you get over a million, they become much more bureaucratic and much more expensive? Wouldn't you be worried about that happening or shouldn't that be quantified also?

Mr MacKendrick: I don't think that's anything that's really been detailed.

Mr Colle: Are you familiar with Wendell Cox's report?

Mr MacKendrick: No, I'm not.

Mr Colle: I suggest you might look at that, because he is a Reagan-side, supply-side, Tory-like consultant who has analysed, and is the expert basically on, the costs of amalgamating public utilities and urban areas. His conclusion basically is, the bigger you get, the more expensive it is.

I appreciate your presentation. You made some very good points, and I appreciate your frankness. Thank you for coming.

The Chair: Thank you, Mr MacKendrick, for coming forward today.

CANADIAN UNION OF PUBLIC EMPLOYEES, ONTARIO DIVISION

The Chair: I don't think Sid Ryan is here right now. Oh, okay, the representatives. Good afternoon, gentlemen, and welcome to the committee. You have 10 minutes

today to make your presentation. If there's some time left at the end of the presentation, I'll ask Mr Marchese from the NDP caucus to ask questions. I'd appreciate it if you'd both introduce yourselves for the benefit of Hansard at the beginning of your presentation, and I'd appreciate it if the members would come to order so we could hear the presentation. Thank you.

Mr Brian O'Keefe: My name is Brian O'Keefe. I'm the secretary-treasurer of CUPE Ontario. On my right is the president of the district council of the Canadian Union of Public Employees for Toronto, Paul Brown.

On behalf of the 170,000 members of the Canadian Union of Public Employees, I welcome the opportunity to present our views on the proposed amalgamation of the city of Toronto, Bill 103.

CUPE represents approximately 30,000 municipal workers within the six cities and the municipality of Metropolitan Toronto. Our members work as accountants, ambulance attendants, road repair people, building inspectors, electricians, garbage collectors, nursing home workers, library workers, water treatment plant operators, child care workers and in many other occupations. We are proud of the services we provide to our communities. We pay taxes and we rely on public services. We know our communities value the services we provide.

What we have to say on the implications of passage of Bill 103 could easily take hours rather than 10 minutes. This is because the jobs of our members and the public services they deliver are at stake. Bill 103 will set the stage for the privatization of public services, and it will eliminate thousands of public sector jobs.

Last, but not least, this bill is an affront to the democratic process since it places extraordinary power in the hands of unelected appointees of the government.

At this point, I'm going to dispense with my speaking notes because of the amount of time available, and I'm just going to deal with the issue directly.

The people of this city have spoken, and I think you have to listen to them. There has been a violation of people's democratic rights here, and it's often forgotten that we have a very fine system of government in Metropolitan Toronto. We have delegations coming from all over the world to look at our system of government. In fact, we are the envy of the world.

The two-tier system of government works, despite all the criticisms we're hearing. It's not perfect. There's need for rationalization, and certainly the Canadian Union of Public Employees is not going to oppose making corrections to our existing system. There is need for change, but throwing the baby out with the bathwater in the way you're contemplating is absurd and unacceptable.

1620

The system we have right now, the delivery of regional services by the regional government and the delivery of local services by local municipalities, works extremely well. Fortune magazine has rated Metro Toronto at the very top of its list of livable cities. It isn't only Fortune magazine. Several other groups, including corporate groups, have rated Toronto similarly.

What are we trying to do here? The danger we have here, with the massive changes the government is contemplating, is that we're going to find a hollowed-out

city. We're going to have a flight to the suburbs. We're going to have a flight of money out of Metropolitan Toronto. There's going to be a total destabilization. Despite the remarks of the previous speaker, this isn't propaganda; it has been documented quite clearly by several people that these are the likely consequences of what we're dealing with here. The yardstick of American cities, making those comparisons, is very realistic, and that's we've got to look at.

You can see what's happening in Metro Toronto right now. We've got an increasing number of people sleeping on hot air vents. The number of homeless people is growing. We're going to see a polarization of our society into the very rich and the poor, with nothing in between. I think it would be a real tragedy if that were to happen in this city. I ask you to seriously take those remarks into consideration. What are we really trying to do here?

In a modern economy, you need quality public services. If we're to be a player in the global economy, to be a world-class city, we're have to have the highest-quality services, and if we don't have those quality services, we're not going to be a player. It's sometimes forgotten that Metro Toronto is the engine of the Canadian economy and if you destroy the economy of this city, you're actually going to the very core of Canada, and you've got to bear that in mind as well. As far the workings of the economy in Ontario is concerned, Toronto is key. The preservation of our services is key and the preservation of our jobs in the city is key.

We are extremely concerned about the job issue. The KPMG report says 4,500 people are going to go by attrition. Well, I have to tell you, an enormous number of jobs have been shed already in Metropolitan Toronto. In our Local 79, which looks after the city of Toronto and Metro Toronto, in Metro alone, 1,000 jobs have been eliminated over the last five years. It is my candid opinion — and I've worked very closely with these locals; in fact, I come out of one — that the services in Metro Toronto have been cut to the core. There is nothing more to cut.

We're not just dealing with what the KPMG people are saying. With the \$531 million that the downloading is going to cost Metro Toronto, we're talking about 18,000 jobs; that's the implication of that downloading. You have got to address that particular situation. If downloading goes ahead, we have a mammoth problem in Metro Toronto. There is no doubt in my mind. That has to be addressed.

As far the transition costs are concerned, if we look at what happened in Halifax we're not dealing with the \$200 million cited by KPMG. If Halifax is anything to go by, we're looking at double that, and there are huge job costs involved in that as well.

What is all this for? It's all for extracting in excess of \$1 billion out of the economy so this government can give a tax cut to the rich and affluent members of our society. This is totally unacceptable. As far as our economy and society are concerned, we're all going to suffer.

The implications of extracting that amount of money out of the economy of Metro Toronto will be massive privatization and contracting out, and we have great

concerns about that. We've received a leaked document from our colleagues that indicates there is serious consideration of doing away with successor rights in order to expedite contracting out and privatization. If anything like that ever happens, you're going to have mass mobilization of the labour movement in this province. I can tell you that. You're not just talking about CUPE; you're talking about the entire labour movement.

I'll conclude by telling you that we're going to fight this with all we've got. The amendments that were floated in the newspaper this morning go nowhere near addressing the problem we're dealing with here. There has to be serious, in-depth consultation with the citizens of this city and very careful study has to go into this exercise before any changes are made.

In terms of CUPE's stance on what we're going to do, a conference of 800 people met in the Regal Constellation yesterday. We're mobilizing and we're not going to go away. We're going to hound you until you do the things that are right for the people of this city.

Mr Rosario Marchese (Fort York): Mr O'Keefe, did you understand the ballot question when you voted?

Mr O'Keefe: It was quite clear to me.

Mr Marchese: You weren't confused or anything, were you?

Mr O'Keefe: Not at all.

Mr Marchese: Do you think some of your members might have been confused about what they were voting for?

Mr O'Keefe: The members of the Canadian Union of Public Employees were not in the least confused by the vote and they came out in droves to vote no, because they understand the implications of it for their future.

Mr Marchese: Mr Leach is quoted as saying, "From all the information I have seen, everything indicates to me the majority of people still favour amalgamation." What would do you think he's living in?

Mr O'Keefe: If that's what he thinks, we've got a serious problem. That sort of doublespeak is unacceptable in a democratic society. There's no doubt in my mind that the people of this city have spoken and I hope they're going to be listened to.

The Vice-Chair: Thank you very much, Mr O'Keefe and Mr Brown, for appearing here today.

TOWN OF YORK HISTORICAL SOCIETY

The Vice-Chair: I call on Sheldon Godfrey and John Ridout, please. Good afternoon and welcome to the standing committee.

Mr John Ridout: I'm John Ridout, the president of the Town of York Historical Society. The society operates Toronto's first post office museum, which is an entirely volunteer board of directors.

We're not here to argue the merits of amalgamation, but we want to make sure there's something to do with heritage in the amalgamation legislation before it goes any further.

As an example of what happens to heritage when the government gets larger, Metro Toronto produced a cultural planning report a few years ago in which they identified heritage as a part of culture. I wrote to Metro

Toronto and went after some of the councillors to say: "If it's part of culture, perhaps you should be putting some money into it. Toronto's first post office is a worthy recipient of funds." Nothing came of that. They give money for the arts — that's culture — but while they define heritage as being included in culture, they're not putting anything in for it.

Our vice-president, Sheldon Godfrey, wrote our brief and he will speak to it.

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Mr Sheldon Godfrey: This is quite a specific brief, because we're talking about heritage and cultural institutions in the city, not so much from the arts point of view but from the point of view of the city's museums, art galleries and archives.

To start with the specific, our society was incorporated as a non-profit corporation under the Ontario Historical Societies Act. Its mandate is to demonstrate the heritage of the old town of York, the first municipality in the Toronto area, on its original townsite. We have hundreds of volunteers and supporters, and with that we operate Toronto's first post office at 260 Adelaide East. We have a long view of the history of the area that we bring to this committee; the post office we operate as a museum was first opened in December 1833, three months before the first statute incorporating the city of Toronto was passed in March 1834.

Heritage isn't mentioned in Bill 103 and we think it's quite important that it be so.

Heritage exemplifies and demonstrates the values of the people of the area through its natural features, built heritage and cultural heritage. We're not going to be talking about the built heritage. We understand that the Toronto Historical Board's brief, which we've reviewed, has addressed that. We're similarly not talking about the natural features. But we are talking about the cultural heritage, specifically Toronto's first post office, which is a downtown Toronto community museum, and to talk about it as an example for just a moment of how reliant it is on local government.

Toronto's first post office is operated seven days a week — that's all week round — serving annually probably 40,000 to 50,000 school children, tourists and members of the general public. It is the busiest historic site in the city of Toronto. It has a very small space. It has been acknowledged by the National Historical Sites and Monuments Board to be the oldest surviving post office building in the country. The National Postal Museum has acknowledged that we have the most complete collection of early postal artefacts in Canada. We also have an archive which is well organized. We are currently involved in a joint project with Heritage Canada to revitalize the old town of York area by working with its inhabitants, a plan that generates involvement by the people on the street rather than planning from the top down.

While we are a community museum, our visitors come from much further afield than the surrounding neighbourhood. Our clients include school children from the greater Toronto area and tourists from all over the world. In all this, our society draws most of its funding from its operations, not from government; it's neither government-

owned nor -operated. Yet it has the highest numbers of visitors, as I said before, of any historical site in the city. It serves as an example of how a small but important site can serve the region at a minimal cost to the public, drawing on the enthusiasm and commitment of its volunteers.

We couldn't have done this without relying heavily on our local government, the city of Toronto. For many years the city has sent a city councillor regularly to serve on our board of directors. Councillor Kyle Rae is the current councillor. We are well supported by city departments: The city works department helps us with signage; the historical board works with us as a partner on projects; the planning department meets with us consistently and is sensitive to the retention of the historical character of the old town. City councillors and even the mayor make themselves readily available and accessible to us to accommodate area concerns. The city also gives us a modest annual grant, the smallest of any of the Toronto historical sites, that is very helpful to our requirements. Even in hard economic times, the city increases the support it gives us if the circumstances are justified.

If we lose our local government, what will replace the support the city gives us? Bill 103 is silent. It doesn't appear that anyone is addressing the matter. Upper levels of government don't traditionally provide that kind of support. Our trade area is by no means identical with the boundaries of the proposed new city. Would the new 45-member council of the new city envisioned by Bill 103 have the time, inclination or energy to check up on our operations? Can we count on amendments giving us a new form of local government that will provide our creative enterprise the support it needs?

We are not alone in asking these questions. We have attached a number of schedules, and this information hasn't been collated before, to my knowledge; you may find it interesting. The information is basically obtained from the Ontario Museums Association, with help from published information and from the ministry of culture here in Ontario.

We found that there are 97 museums in the Toronto area, and when I say "museums," I mean archives, public galleries and museums which are listed by the Ontario Museums Association. Of these, 73 are concentrated in the city of Toronto, most in the downtown Toronto area, but of course they serve a wider area as well. A few of the institutions attract visitors from areas that are just in surrounding neighbourhoods. Most serve visitors from a much wider area. Would the council of the new city give them the same kind of support as a community museum that may attract visitors from beyond their boundaries? In other words, if a small municipality such as East York, which operates the Todmorden museum — would that museum continue to exist if it was a council of 45? It's quite important to East York. Would it be important to the new city of Toronto that covers the entire metropolitan area?

Only 42 of the 97 institutions listed appear to be owned or operated by levels of government. That means a majority is operated by communities. Basically, they rely on funding from communities for support. To a degree, many of them get funding from the provincial

community museums operating grant program; those grants of course are decreasing.

As appears on the attached list, the Metropolitan Toronto government right now plays a relatively small role in that. I think they appear as owner and operator of two or three of the museums. Upper levels of government traditionally provide funding only where programs exist. Local governments, on the other hand, are close to the actual institutions and provide more general support and advocacy.

As support comes from three different sources — the province, the municipalities, and the communities, and we've tried to break them down in that way by showing ownership of these 97 institutions — there should be three different policies in place. The community museums in particular and the community institutions need a different kind of support than museums such as the ROM which are owned by the province.

The Honourable Mr Leach, the minister, has clearly stated his views about the institutions on the attached list. According to the *Toronto Globe and Mail* last November 26, the minister said that museums and art galleries are "gold-plated" services that should have reduced support from local governments. If the minister wasn't misquoted, his comment suggests that we can't rely on his government to maintain these cultural institutions in the new city of Toronto proposed by Bill 103. At the very least, the minister should give reasons for his statement and explain how he intends to maintain Ontario as a unique place with reduced support for its cultural institutions. Reduced public support, coupled with a loss of our local government, would be a blow to the entire area.

This should be a time of vision. Toronto today is the envy of the world. If you really want to make Toronto a better city, you should start by inventorying its assets, determining what's good about Toronto and building upon those assets. Near the top of any list of those assets you would find Toronto's cultural heritage, its community structures, its love of diversity.

This should be a time when our political leaders help our world-class, livable Toronto area move into the new millennium with a deeper awareness of its population's roots, a better understanding of its attractions and support systems, a clearer idea of our future direction. Thank you.

The Vice-Chair: Thank you very much. Mr Gilchrist, you have about 30 seconds.

Mr Gilchrist: I didn't realize the time was that tight. I'd like to thank you both for your presentation. This is very valuable, and I appreciate your compilation of the ownership. Is it just an oversight — maybe you've got them assigned somewhere else — but I don't see any facilities owned by Metro, yet I know the Guild Inn is owned by Metro.

Mr Godfrey: They're on the lists attached; there are two or three. The Guild Inn is there.

Mr Gilchrist: It's not in your sheet of governing bodies.

Mr Godfrey: On the big sheet, there's a —

Mr Gilchrist: Thank you. I hadn't gone that far into it. I just want to express my appreciation, because it's this sort of substantive contribution that will help us craft those amendments to the bill.

The Vice-Chair: Thank you very much, gentlemen, for coming today.

GAY YOUNG

The Vice-Chair: I call upon Gay Young. Good afternoon and welcome to the standing committee.

Ms Gay Young: I'd like to begin by saying that I am a parent. I live in the city of Toronto. I am the parent of two young children. I am a volunteer worker at my children's school and a member of People for Education.

I have to say right at the beginning that I wonder if you have a presenter profile of me in front of you right now. I was reading in the paper this week that the people who made presentations to Bill 104 who were active protesters of some of the government's recommendations, such as myself, now have presenter profiles on them. I have to say I don't like that and I don't think it's right.

I also have to say that I don't appreciate having so few people here to hear me speak. I came down here and arranged time to say things that are very important to me to be heard by this government. I see now that there are several empty seats, and I don't like that either.

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I'd also like to say that the people of Toronto clearly understood what they were voting for when we voted. We clearly understood that we were voting against a megacity and it's absolutely outrageous that this government could suggest we didn't understand the question. Surely that's ridiculous. There were meetings across this city every night of the week to discuss these changes that you would like to make to our cities. People came out and looked at the issues and spent a lot of time thinking about them, and for you to dismiss those people voting three to one against this bill is absolutely outrageous. Yes, there are other issues on people's minds, but people understood the question and they knew the consequence of voting, and they voted no.

Why would you proceed with a megacity when 70% of the services are already amalgamated and the government's own study could not prove conclusively that there would be savings? In fact, the experience of Halifax shows us that amalgamations can be extremely costly to undertake, and it's also been shown in other American cities. Your own panel, Crombie, recommended that you should not download health and social services and welfare and public housing and take education off the property taxes.

What I'd really like to do today is tell you what my city, Toronto, means to me and my family and my neighbours and what I see us losing if this bill is passed. We have a wonderful, diverse community in Toronto and we have locally elected people to ensure that the services that are essential to us in this city are maintained. We value such things as free parks and rec programs for children so that children who cannot afford to take swimming lessons or do other activities after school are able to do those things because there's not a cost associated with that, as there is in some of the other cities. We have locally elected people to ensure that those values are maintained, and if you strip away our locally elected people and reduce them down to a very few and make us

one big city where we all have to be the same, we are going to lose that.

We also have bylaws to guide the development which suits our particular city, Toronto. If you amalgamate us with all the other cities, we will no longer be able to guide our own development within our own communities to keep them the way we want them to be. We'll lose our locally elected people, whom we elect to make these decisions based on what we would like to see our city being.

I see this as a trend that this government seems to be taking, to strip away democracy and the rights people have with locally elected people. You want to place these trustees over our locally elected people and give them the power to make decisions which we have already given. We have already elected people to do that; we don't need appointed people to make those decisions. I see you doing that with the Education Improvement Commission, stripping away the power of locally elected people and replacing them with an appointed body. I see you doing that with the hospitals; you've appointed a restructuring commission to decide which hospitals will stay open and which hospitals will close.

In Toronto and Ontario we are a democracy, and this government seems to think they can strip away our local power, our democracy, and replace those people with appointed provincial people, and I am angry.

I have never been politically active before, and I need to tell you that there is a large grass-roots movement of people just like me who have never been politically active before, who have always felt they were electing local people to make these kinds of decisions and were satisfied to do that, but now that we see that's being torn away, we are becoming active. There are meetings happening, as you well know, as you've all attended many of them, every night of the week, and it's not just here in Metro. It's across Ontario that this is happening. People are angry, very, very angry, and there's a large movement to protest this. If you ignore us, if you ignore the voices of the people who spoke in the referendum, you do so at your peril. Thank you.

Mr Colle: Thank you for your passionate expression. I just want to emphasize this government's total disdain for what you just said. As you know, the minister yesterday had the gall to say, in the Sun — after the vote where 76% said no, his quote was, "From all the information I've seen, the poll results of the past few days, everything indicates to me the majority of people still favour amalgamation."

Ms Young: Ridiculous, absurd, absolutely absurd. How can they say that when people turned out in such huge numbers and read the question that was very clear and marked their answer?

Mr Colle: The other thing they say is that people also stayed home, so if they count the people who stayed home it gives them more argument to dismiss the ones who voted. That's what the Premier said the other day.

Ms Young: Again that's absolutely absurd. They go around touting their figures from polls they do, saying they're accurate to such and such a percentage point because 535 people were canvassed. These were thousands of people, 40%, the same amount of people who

show up to vote at local elections. That's absolutely ridiculous.

Mr Colle: Obviously, when you lose in such a resounding way, you have nothing else to hide behind.

Ms Young: That's right.

The Vice-Chair: Thank you very much, Ms Young, for being here today.

JEFFREY REITZ

The Vice-Chair: I call on Jeffrey Reitz. Good afternoon, Mr Reitz, and welcome to the standing committee. You have 10 minutes in which to make your presentation.

Mr Jeffrey Reitz: Thank you. My name is Jeffrey Reitz. My views about the proposed amalgamation of constituent municipalities of Metropolitan Toronto are based in part on my expertise as a professor at the University of Toronto, and I've circulated my résumé. My particular specialty is race and ethnic relations, and I believe the question of local government in Toronto should be considered in light of the great ethnic and racial diversity of this city. My background in this area includes a number of studies and other activities, including a widely reported study comparing race and ethnic relations Canada and the United States, published by the C.D. Howe Institute, and the founding of a research centre on immigration and settlement at the University of Toronto and at York and Ryerson Polytechnic Universities, with funds from Citizenship and Immigration Canada. These are my opinions.

The racial and ethnic diversity of Toronto has been one of its greatest strengths, as I am sure the committee appreciates. Because of Canada's relatively aggressive immigration policy, which has been pursued successfully under both Conservative and Liberal governments to stimulate our economy, our diversity has grown very rapidly. Today half of all of Canada's immigrants settle in the GTA. The proportion of immigrants in Toronto in 1991 was 38%, which exceeds the proportion in any US city such as New York, Los Angeles or San Francisco. Toronto is now home to over 100 ethnocultural communities, and because of our continuing commitment to expansionist immigration, this diversity will increase even more dramatically in the future.

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Our unusual capacity in Toronto to absorb such large-scale immigration successfully is one of the most unusual features of this city. Because of this success, the cultural diversity of Toronto has become one of its greatest business and tourist assets. This is reflected in the recent ranking of Toronto as one of the best places in the world to live and work by Fortune magazine. In a National Geographic feature last June, ethnic diversity was specifically singled out as Toronto's major attraction. The article stated, "With its sizzling cultural mix and a stylish new personality, this once bland metropolis breaks into the urban major leagues."

What's behind Toronto's success in incorporating minority cultural groups? There are many factors, obviously, but one of these surely is our institutions of local government. Those who are familiar with local politics in Toronto know that this is very much favoured by ethnic

communities. Because of their small scale — local wards correspond in size to many local ethnic neighbourhoods — local governments afford opportunities for ethnic and racial minorities to affect local decision-making. Such opportunities are not so readily available at higher levels, such as provincial and federal levels, where the constituency size is larger. They would also be less available in the planned amalgamated city of Toronto, partly because of the larger constituency sizes and partly because of the large size of the total structure.

In this sense, local governments offer efficiencies not possible in larger units. This type of efficiency is analogous to what the business community calls flexible manufacturing, the ability to tailor decision-making to very specific and rapidly changing needs. Larger units can be less efficient to the extent that they try to fashion one solution to fit a variety of specific situations, which then become entrenched because change is so difficult. The result can be that costly services may be made available where they are not needed.

I would like to cite another kind of example, that of the municipal committees on community and race relations. These exist in the various municipalities such as Toronto, North York and Etobicoke, and also in Metro. I happen to have served as a member of the Toronto committee for the period 1990-92. The various local committees have operated in different ways to handle specific issues arising among racial groups in the particular municipalities. The Toronto committee, for example, has been serving as a place where difficulties between the police and certain specific groups have been addressed. The Etobicoke committee has focused more on problems relating to some of the East European communities.

A single committee in an amalgamated city would be less efficient in dealing with so many issues. Such a committee would have to be much larger than any of the current local committees because these local committees would no longer exist. At the same time, it would have to confront all the problems which arise across Metro and would consume resources in becoming expert in all these diverse issues. Most likely it would be inundated and would handle none of them very well.

These are just brief examples. It is my general view that the local municipalities in Toronto have served as an important point of access to decision-making for the city's ethnocultural minorities. This is one of Toronto's perhaps hidden strengths. It would be extremely unfortunate if this strength is lost. As Toronto continues to grow and to change, it will continue to face new and diverse issues which will vary greatly across a very large urban area. With continuing large-scale immigration, it is essential to the future success of Toronto that its capacity to adjust and to find creative solutions be maintained and in fact strengthened.

Some of those who have opposed amalgamation fear that this minority-friendly feature of local government will be lost under amalgamation. This is, I believe, one among many of the messages in the megacity referendum result. While local governments are far from perfect in providing opportunities for small minorities to be heard, they are likely to be much better at this than an amalgamated municipality many times their size. I would predict

that under a large amalgamated city and without the safety valve local governments have provided in dealing with rapidly changing intercultural issues, conflicts among these groups may well increase in the future.

As I understand it, the government's message to the Metro population has been that local governments are too costly. This neglects the great contribution that local governments have made to ensuring the success of intercultural relations and hence, I believe, the success of the city itself. We should try hard not to throw out the baby with the bathwater, so to speak. I heard someone else use the same phrase. It may be repeated frequently here, I suppose.

There is a possibility here for more optimal solutions. In fact, the two messages — keep local governments, and seek greater efficiency — cannot be resolved in favour of one or the other, because they are not contradictory. The problem should be seen as one of creating a new commitment to greater efficiency within the community-based framework of local government.

Mr Marchese: Thank you for your presentation. I want to go through a few questions just to make sure that people who voted understood the question on the ballot. Were you confused by the ballot in any way?

Mr Reitz: Not at all confused by the ballot; no.

Mr Marchese: Was your sense that some of the people you know were confused by the ballot question?

Mr Reitz: They were confused by the apparent perception of the government that the ballot was confusing. It seemed to me it was a very clear ballot. Not only that; the results correspond very closely to the political opinion polls that were held, and the opinion polls also showed that the people who voted no understood and were more familiar with the issues, had more in-depth knowledge, than those who were voting yes. If people were confused, I suspect it was the people who voted yes rather than the people who voted no.

Mr Marchese: I'm sure you might have concerns about the downloading, as I do, but you obviously know it's a separate issue. It might have influenced some people, I suspect, but the overwhelming feeling I get from people I talk to is that they were voting no to the amalgamation.

Mr Reitz: I don't think there's any question about that. Maybe there could be a separate referendum. If the government is bringing in so many proposals at the same time, I suppose that's going to lead to some people having the opportunity to say people don't know what they're voting on, but my own perception was that it was very clear.

Mr Marchese: You've heard the government's wilful denial and rejection of the results, and you heard the quote given earlier by M. Leach, who simply says, "From all the information I've seen everything indicates to me the majority of people still favour amalgamation." We've got a problem here.

Mr Reitz: We have a problem indeed.

Mr Marchese: He's saying: "We've listened. We're not going to listen to that, but we're listening to all of you, so we're going to make some amendments to fix the problem." Is this what you're looking for, amendments to some of the questions you've raised?

Mr Reitz: When a government makes such a massive change, strongly opposed by three quarters of the population, they had better be sure they're right. I don't believe this government has got it right. I don't think they've considered very many of the implications of the massive changes being proposed. It seems to me the old adage fits: If it ain't broke, don't fix it.

I've tried in my presentation to bring out one of the ways in which I think the existing structure in this city works and which I think will not be there under the amalgamated city. I doubt that the government has considered it.

Mr Marchese: I agree very strongly with you, by the way. When they do another bill, Bill 104 on education, I think we're likely to lose all the benefits of the international languages that some of our boards have fought strongly for, Toronto in particular. When they have to cut back, as that bill will force them to cut back when we lose half a billion dollars from Metro, the pressure will be on that board to get rid of some of the programs. I fear that the international languages will be one of those programs that will disappear.

Mr Reitz: And individual groups will simply have weaker and smaller voices in a large amalgamated city. They will have a much more difficult time than they've had under the present arrangements to have their voices heard. I think that will exacerbate problems in relations among groups in the city, and over time in the future I can see only a negative result on inter-ethnic relations from this amalgamation.

The Vice-Chair: Thank you very much, Mr Reitz, for coming here today.

1700

JOSEPH WHITNEY

The Vice-Chair: I call upon Joseph Whitney, please. Good afternoon, and welcome to the standing committee. You have 10 minutes in which to make your presentation.

Mr Joseph Whitney: Thank you. My name is Joe Whitney. I am a long-time resident of the city of Toronto and a professor emeritus of geography and planning at the University of Toronto. I am also a registered professional planner. In this submission I shall be looking at Bill 103 from both a professional viewpoint and from the perspective of an ordinary resident.

My ability to make well-informed comments on the bill is limited by the fact that the government has never made clear the rationale that underlies Bill 103. The proposal for the amalgamation was certainly not contained in the Common Sense Revolution except that the government would attempt, in a very general way, to reduce levels of government. The only other possible reasons for the bill gleaned from comments made by Mr Leach at various times are:

(1) That there have been many proposals over the last 40 years to change the structure of Metro Toronto, that nothing has been done and it is now time to act.

(2) That an amalgamated megacity will be more cost-effective than the present structure and that a city of 2.3 million people speaking with a single voice will have more impact in the global economy than the voices of the current disaggregated municipalities.

Because of the absence of any clear rationale for amalgamation and because of the simultaneous announcement of possible downloading legislation and reorganization of the educational system, it is not surprising that there is a great deal of public confusion about the whole issue of amalgamation and plenty of room for conspiracy theories to abound. The government has only itself to blame for all of this.

In light of the recent reports from the UN and Fortune magazine about Toronto being the best place in North America to work and live, citizens may be excused for asking: "If Metro Toronto is so good, why do we need such massive changes? What precisely are they trying to correct?"

Indeed, these questions have not been clearly answered by the minister or by anyone else in the government, to my knowledge. None of the previous studies advocated unconditional amalgamation. Let me assume that the minister had the best intentions in the world for devising this bill and that there were no machiavellian intentions in mind. What might these intentions in fact have been?

(1) That an amalgamated city would somehow provide a better framework for comprehensive land use and economic development planning than the current municipalities.

(2) That amalgamation would reduce the levels of government and hence be in accord with the Common Sense Revolution manifesto.

(3) That amalgamation would be cheaper and more cost-effective.

(4) And to give the minister the real benefit of the doubt here, that amalgamation would in some way be more democratic and that the new city government plus neighbourhood-community councils would be more accountable to the public than the present system.

Let me now review each of these points in turn.

First of all, the amalgamated city would make a more rational planning unit. Unfortunately, if this indeed was one of the underlying assumptions in the minister's mind, the proposal and bill fails badly. Both the Golden and Crombie reports, together with others that have been made over the years, make it abundantly clear that a planning-administrative unit that does not include the immediate demographic, economic and environmental hinterland of Toronto is not appropriate.

To cut this new city off at Steeles Avenue and allow surrounding suburbs and regions to go their own way with little or no regard to what happens in the amalgamated city does not make any sense at all. The upper tier of government should not have been confined to the boundaries of the existing six municipalities, but should have been extended to include at least the urbanized or periurbanized parts of the so-called census metropolitan areas, which both impinge on and are impinged by Toronto itself. The title of a recent article in the *Globe and Mail*, "Megacity: Not Big Enough, Not Small Enough," sums up the problem which the present bill includes.

Let me now turn to reduction in levels of government.

Although it might appear from the proposed legislation that the elimination of the six municipalities would remove one level of government, it is by no means clear

from the bill that this will indeed happen. As many appearing before this committee have stated and as has been emphasised by a number of columnists in the local papers, the bill contains no information about the powers and responsibilities of the so-called six community councils and the six or seven neighbourhood councils that will be created in each. Indeed, there is no mention of the community councils in Bill 103 at all.

If these are to be merely advisory bodies to the new city council, they will be only rubber-stamping bodies. If, on the other hand, they have real powers over local matters — zoning, for example — these decisions can only be made by bodies which are duly constituted corporate bodies. If such powers are indeed granted, these community councils will just become another level of government, thus returning us to the present situation. In short, not to give these bodies powers relegates them to sham democratic institutions, but giving them powers results in the establishment of another level of government. There seems to be no escape from this dilemma.

Cost-cutting and cost-effectiveness: Immediately after the introduction of Bill 103, the minister made several references to the proposition that amalgamation would be more cost-effective and would save taxpayers large sums of money. Intuitively such a proposition seems commonsensical. Elimination of a level of government and six municipalities with all their services and functions, many of them duplicating others, and the concept of scale economies would make it seem logical that overall municipal costs would be reduced. However, the reality observed in many parts of the world is quite counter-intuitive to this; namely, that amalgamation does not reduce costs but actually increases them. The evidence is clear not only from North America but worldwide. Larger governments generally have higher unit costs than small governments. There are a number of reasons for this, which I won't go into at the moment.

For example, a KPMG study of the Hamilton-Wentworth area found that the maximum savings from amalgamation amounted to no more than 2%, whereas if restructuring of service delivery approaches had been taken without amalgamation, something like 15% to 30% would have been saved. Indeed, the US federal government's Advisory Committee on Intergovernmental Affairs, formerly a staunch supporter of metropolitan consolidation, reversed its position and began supporting fragmentation in 1987. This is the point I want to emphasize: The majority of scientifically conducted studies on amalgamation indicates that if cost savings is the desired outcome, these can better be obtained from reorganization of services within existing municipalities rather than through amalgamation.

Finally, I want to turn to the point of amalgamation perhaps representing a more democratic form of government. It is true that Mr Leach nowhere makes the claim that his proposal will make the city government more accountable and more democratic, but even if he does not make such a claim, we as citizens surely have the right to a guarantee that the amalgamation proposal maintains at least the same level of accountability, democracy and responsiveness that we now experience under the present

system. There is no such guarantee in Bill 103. It is illuminating that of the 31 subsections in Bill 103, 12 sections, or nearly 40%, deal with the virtually dictatorial powers of the board of trustees and the transition team.

The tone throughout the bill is thoroughly undemocratic. This creates in the minds of the ordinary citizens a doubt that the final form of the city government will be in the least responsive to the concerns of local citizens. Since the bill makes no provision for the election of community — indeed these are not even mentioned in the bill — and neighbourhood councils, they will be responsible and accountable only to those who have appointed them. Hence citizens will be more remote from their elected representatives than they are in the present municipal structure.

The stunning defeat of the amalgamation proposal in the recent referendum cannot be dismissed, as Mr Leach and some of his supporters do, by saying that people were really voicing their opposition to downloading and not to amalgamation. There is enough wrong with Bill 103 in its concept, in the dogmatic manner in which it has been forced on the citizens of Metro Toronto and in the negation of democratic rights and processes clearly laid out in almost every section of the bill, not to mention the flawed economic premises that underlie it, to make it thoroughly objectionable in its own right.

The minister frequently complains that he is not getting constructive suggestions, only criticism. This is correct: The bill is so flawed that the only constructive advice that can be given is to scrap the amalgamation concept and re-examine other proposals made recently, such as those in the Golden task force and the Crombie report. Those proposals do not involve amalgamation and, despite some flaws, resonate more closely with the goals and aspirations of the citizens of the Toronto area than the present amalgamation bill. Thank you.

The Vice-Chair: Thank you very much, Mr Whitney. You've timed that perfectly; 10 minutes is up.

1710

ALAN DUDECK

The Vice-Chair: I'd like to call on Alan Dudeck. Good afternoon, Mr Dudeck, and welcome to the standing committee.

Mr Alan Dudeck: I will keep my remarks brief. Many of my points were covered very eloquently by Mr Whitney, the previous speaker.

A bit of introduction: I am a resident of the city of Toronto. I am involved in project planning; I'm also a realtor. Initially I would like to say I'm pleased to be in front of the committee and I'm very displeased that all of us through all these hearings and all the machinations in opposition to the bill have had to happen. I resent the actions of the government in basically attempting to ram this bill, through with very little consideration for reality, as far as I am concerned.

In a more sedate way, at the outset I would like to clearly state that I am opposed to the process of forcing the introduction of the amalgamated version of Toronto, as well as standing in opposition to the structure of the intended megacity.

Twenty-five years ago I moved to this city from another large Canadian urban centre. The whole reality and consciousness of municipal government and politics was a revelation, and I think that was the case in comparison to most cities across the country at that time, and in fact today. The energy and strength of the municipal entity that I was most familiar with, Toronto, at that time was very much a nurturing process for action, democratic policies and the like. Although the policies and politics have varied in their direction and popularity since then, the accountability for and sensitivity to local concerns remains a hallmark of local jurisdictions within the Metro area. That has not changed, and indeed this process is strengthening some of those behaviours that have gone a bit dormant over the last 10 years or so.

My experience in the mid-1980s as a member of the city of Toronto board of health reinforced for me the need to maintain and strengthen the services and accountability and, in a general way, local citizen representation within the services that are provided to the local jurisdiction. To change the unit size from one of the cities or the borough in Metro to an amalgamated city of Toronto would more than weaken the accountability; it would negate the ability to have effective representation and accountability for such services as health, education and the like.

To ignore the need to coordinate and rationalize regional issues within the GTA, as proposed by the Golden and Crombie reports, and to strengthen local jurisdictions without the overlay of Metro is moving in the wrong direction, and that is exactly what the provincial government is attempting to do.

Community councils and the like are not good enough. They are not direct, there is no guarantee of effective representation, and the experience we've had in various jurisdictions when such bodies as the local planning board were eliminated in favour of a local planning advisory committee, although area residents were involved, it simply does not provide the accountability which residents of the cities and borough and Metro are clearly demanding. The referendum vote, I think, reinforces that.

Local accountability is vital to the continuing vibrancy of our communities. It's difficult to quantify and sometimes even define what that continuum means. To invoke a single structure with only 44 elected representatives is reducing the democratic platform, and that's in part what we're talking about, a platform, to a shadow of representation and accountability. I won't even get into the disastrous proposition for offloading the responsibility for social services.

Just a minute or so on the process of even reviewing this proposition. I personally feel insulted by this government by virtue of its tactics to blindly pursue this initiative without any basis of evidence that it makes any sense, without any effective consultation, without sufficient time, and all with the backdrop of the Premier and government members saying: "It doesn't really matter what residents say. It doesn't really matter what a referendum will say. We're still going to bloody well go ahead with it." That's simply not good enough. It's autocratic. It flies in the face of everything that I think the citizens of Toronto expect and will demand.

Mr Gilchrist: Thank you, Mr Dudeck. I appreciate your coming before us today. I think you said at the outset that you're a realtor, among other things.

Mr Dudeck: Yes.

Mr Gilchrist: Part of, I guess, our frustration in this process is there's no doubt there has been a learning curve and many people have taken the time to familiarize themselves far more with the political process as a result. I think that's a good thing. But one of things missing in part of the discussion for many people has been an appreciation that bills go through a particular process. When they're introduced, there is certainly no expectation at the outset that the bill will emerge at the end that way.

In fact, there is not a single government bill — and I would say the same thing for the previous two governments — that has emerged from the committee process without government amendments. I would submit to you that just like a realtor — I have no doubt that when someone calls you to list their house and you conduct your first inspection, every realtor I've ever met will walk through with a client and advise them on the minor and in some cases significant changes that should be put in place if someone wants to maximize the value of their house when they list it. You would give that counsel, I'm sure.

How is that any different from a process where the government lays out, chooses certain words and puts that forward? People then have a chance to make comment, but it's only when the final product is put out to market that it's fair to judge. How are those such different concepts?

Mr Dudeck: If I may, it's a strange analogy, but the closest I can come up with is that if a client of mine is looking for a personal residence of a certain description and I insist they've got to look at the Ernst and Young tower in the T-D Centre, there's something quite screwy. That's not a question of amendment; that's simply being off the mark completely. If we're using that analogy, I would say that's closer to the reality than simply adjusting the criteria or the description.

If I may, I think what we're looking for is the reinforcement of the strength of not just the city of Toronto but all the jurisdictions within Metro, and to tie it into the need for coordinating within the GTA.

I agree, all bills do get changed, as they should, but the basis of this one, the only change that I can see that makes any sense is to withdraw it.

Mr Gilchrist: You're entitled to that opinion. I would argue that until the amendments are made, until the final shape of the bill is known — and many people have come forward with very specific concerns. They have not said, "I am opposed to amalgamation in total," or "I am opposed to..." and it could be the trustees, it could be something they think is missing from the bill. In some cases it's not what's in it, it's what's missing from it. Would you not agree that for those people, if not for everyone, if you then craft an amendment that does deal very directly with their concerns, it would be appropriate in their eyes for the government to then proceed?

Mr Dudeck: The problem I have is the nature of the interaction and consultation once the bill was introduced, and when it was drafted, whether it was introduced or

not, against, as I mentioned earlier, this backdrop of the Premier and members of the government quite specifically, even after the referendum, saying, "There is some room for amendment," as you put it, "but we're going ahead regardless." That's like, "Talk if you will," or "Behave or not, I'm going to take away your allowance." To me, it's like dealing with children.

Mr Gilchrist: I guess it assumes, and I think to some extent this is unfair as well, that amendments can only be minor things. Until the final bill is crafted, I really don't think it's all that appropriate to suggest that we haven't been listening and we haven't heard concerns.

The other thing that you mentioned in your discourse was the need for public consultation, studies and that sort of thing. Not to single him out, but Mr Colle ran in favour of, in fact almost exclusively on, a pro-amalgamation platform in 1982 and 1983 when he was running for council. I haven't heard him sit here and talk about the studies that he might have done that led him to believe York should be eliminated and amalgamated. I haven't heard the empirical studies on the cost savings.

Somehow the suggestion is that politicians and governments, once formed, need to be driven purely by other opinions, that just because Jane Jacobs or someone else says it right, the government shouldn't be providing its own scrutiny and consideration.

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Would you not accept that, whether it's Mr Colle not introducing any kind of studies in 1983, there is at least the ability for the government to say that Metro itself has been the test bed, and because there are no other jurisdictions that come close to the successes we've had should not suggest that Metro should never have been created 44 years ago, nor amended in 1967, nor that it should not be looked at today? Is it not conceivable that we are that unique, that —

The Vice-Chair: Mr Gilchrist, we're running out of time. Have you got a quick answer for that?

Mr Dudeck: It is a fair amount to respond to, but if I may, it's not just a question of my being here to reiterate what Jane Jacobs or John Sewell have said, both of whom I have a great deal of respect for. What I am here to do is register my personal opinion, and in specific response to point out the lack of any empirical and substantive evidence that points to the values of amalgamation other than the fact that we need change. No one is disputing that is needed, but the direction in the bill is, if I may, completely misguided. So if an amendment can change that misguided nature, I'm all for it.

The Vice-Chair: Thank you very much for coming here this afternoon.

The Chair: I'd like to call on Sam Metalin.

Mr Silipo: On a point of order, Madam Chair: Can I just ask while the next presenter is settling in, given that we've been talking about amendments, could Mr Gilchrist update us on how the government is doing with the amendments?

Mr Gilchrist: Sorry, I can't.

Mr Colle: Are they hiding them from people?

Mr Silipo: The deadline is about an hour and a half from now. Are we going to get amendments?

Mr Dan Newman (Scarborough Centre): Do you have any amendments?

Mr Silipo: We don't have any amendments. We don't think the bill is amendable.

The Vice-Chair: I'm sorry, we've had the answer. We must go on.

SAM METALIN

The Vice-Chair: Good afternoon. Welcome to the standing committee. Please begin.

Mr Sam Metalin: My name is Sam Metalin. I've been a resident of North York for 21 years. I'm also president of YCC #90, a townhouse condominium community in the Leslie-Sheppard area. I appreciate this opportunity to appear before you to share my views with respect to Bill 103.

Any thinking person, I believe, realizes that fiscal responsibility in government is critical if our society is to grow and prosper. It is doubly important if government is to preserve those services such as health care which make our society special. After all, a Canadian has been defined by some people as an unarmed American with health care. It is triply important, I believe, if government is to be able to provide for the needs of those most needy in our society, as well as to maintain the financial flexibility to respond to changing needs in the future.

For these reasons, I believe the Harris government's efforts to reduce the cost of government by restructuring and eliminating waste and duplication are to be lauded. That the structure of the government of the greater Toronto area needs to be reformed is also something that most people in Metro Toronto agree is necessary. What concerns me deeply however is the form this reform is taking.

Without a doubt, we have one too many levels of government in Metro Toronto. Yes, we have duplication of staff and services. Even our local politicians agree that there are too many of them. The end result is excess costs and higher taxes. Will Bill 103 reduce the levels of government? Yes. Will it eliminate the duplication of staff and services? I doubt it, but I believe some progress will be made. Will it reduce the number of politicians? Obviously. Will it reduce the costs of municipal government? What experience we have to refer to suggests that it probably will not.

In the haste to reduce costs, I believe the government has lost sight of the purpose of the entire exercise. What has been forgotten is that the purpose of government in a democratic society is to serve the governed. The level of government closest to the individual is the municipal level. It is this level which affects most directly the day-to-day lives of our citizens, through services such as roads and sewers, zoning and planning, garbage disposal, parks and recreation, fire and policing, public transit and ambulance service, libraries and more. It is also the level of government which the individual deals with most often, be it for a building permit, a business licence, a bylaw complaint or a recreation program.

What Bill 103 will directly and adversely affect is the citizen's access to his local government. By creating a local government which is less accessible and therefore less accountable, this legislation is in my view undermin-

ing one of the historical pillars of our democratic society, particularly in North America with our frontier traditions, even our gentle frontier traditions in Canada, where local government was quite often the only real government.

It is making it more difficult for people to participate in their local government and for members of local government to deal with their constituents. It further entrenches the powers of unaccountable and sheltered bureaucracies. By distancing people from their government, the legitimacy of local government will be reduced.

The proposed legislation may also result in distancing people from their government in the physical as well as the emotional sense. Right now the six local city halls serve as a focal point for the delivery of services to their citizens. Will centralization result in all services now only being available in downtown Toronto, where space and other costs are the highest? Look at Metro Hall, for example. It's off the subway. In the winter, it's a nice, long, cold walk. Parking is scarce and very expensive.

Finally, the proposed council of 44 persons will be less of a municipal council and more of a Legislative Assembly. Studies have shown that boards of directors, municipal councils and similar groups rapidly lose both effectiveness and cohesiveness once their size exceeds 18. Many of the municipal councils in Metro Toronto hear submissions before them in total council directly from citizens affected by legislation. Will the new council have the time and patience to do the same? I doubt it.

Let us now turn to the issue of costs. Costs are only in part a function of the number of people, such as politicians and civil servants. Other factors that need to be taken into account are the pay scales, work rules and benefits. Are we going to end up with pay scales which match the highest currently in force, combined with the most restrictive work rules?

As the size of municipal governments grows, the more management and supervisory personnel will be required. The larger the bureaucracy, the greater the risk that the costs of co-ordination will rise disproportionately and the slower the wheels of government will turn.

We also need to consider the attitudes towards cost control. North York has led the field in reducing costs, maintaining services and reducing staff without layoffs. Not all municipalities have been as conscientious. In North York, taxes have not been increased for five years running, yet North York citizens enjoy a level of services and facilities unmatched in Metro. This bill will effectively expropriate without compensation that which we have paid for over the years.

Taxpayers in North York and Scarborough will also bear the burden of the adjustment of the move to actual value assessment. Those facing tax increases will have an extended period of time to adjust to the new rules. The flip side of this coin is that mill rates for other taxpayers will have to be higher than they otherwise would be as a consequence to give these people time to adjust.

Now the issue of who does what: Unlike some of the more vocal opponents of these changes, I believe the exchange of responsibilities can work well if implemented properly. Because several of the responsibilities being transferred to municipalities are difficult to predict and do not vary directly with population, the property tax

base may no longer be sufficient as the sole source of revenue for the municipalities. Changes may also need to be made to the fiscal regime to permit municipal governments to plan for fluctuations in such items as welfare, long-term care and public housing.

Those of us who live in and manage condominiums are already familiar with an effective mechanism: reserve funds. Every year, a portion of the money collected from our taxpayers — and believe me, we levy taxes — are put aside in a reserve fund to provide for future replacements and contingencies.

One way the costs of operating municipal governments could be more fairly spread over the residents of a community is to carefully open new sources of revenue for the municipality so it doesn't all fall on the property tax base. One example might be to allow municipalities by referendum to levy a sales tax for a specific-purpose fund or funds. Examples might be a welfare fund to cover costs in the fluctuation of welfare, a public housing fund etc. We don't always have to spend it or lose it. The income tax could also be used for this purpose. Many municipalities in the United States have used these methods with success.

Another is to give the municipalities a real say in establishing standards for transferred services. When the state of New York established the rules for welfare eligibility, the city of New York became insolvent. When the city began to set the rules, the city's financial situation improved rapidly and New York is now solvent.

In summary, I believe the structure of government needs to be reformed and simplified. At the very least the Metro government has outlived its usefulness. The Metro area is made up of four cities of approximately equal size, plus one smaller city, plus a borough. Perhaps four cities could be the answer. All would be large enough to provide the full range of services to their citizens at an effective cost and efficiently. Remember, the efficiencies of scale or the economies of scale are also subject to the law of diminishing returns.

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I believe, therefore, that there is a better solution to the simple solution of the unified city. I would suggest for starters that consideration be given to extending the life of the city councils affected by maybe up to a year, to allow time to develop alternative means to achieve the goals.

I also think we need to add the question, "Who gets to tax what?" to the issue of "Who does what?" I think one other thing is the question of the local councils. I think one issue that's been raised here by previous speakers is that they have to be given real powers enshrined in the law.

In sum, I am disappointed with this legislation. I believe the government has a sterling record in keeping its promises and it's to be lauded for that, whether one agrees or doesn't agree. On the other hand, I don't recall this being one of the government's promises, and believe me, as a supporter of the government, I would not be hurt in the least if you didn't keep this one. Thank you.

Mr Colle: Just one brief comment. Were you confused with the question when you voted, as the government

said, that most people didn't know what they were voting for or against?

Mr Metalin: Absolutely not.

Mr Colle: What do you think about the comments made by the minister, that despite everything, he still believes the majority of people still favour amalgamation?

Mr Metalin: I don't think he's looking at the same results as the rest of us are. However, the gentleman is entitled to his beliefs, and rather than judging him on his remarks, I think it's fair to him to judge him on what happens to this legislation from this point on.

The Chair: Thank you, Mr Metalin, for coming forward to make your presentation today.

DURHAM REGION COALITION FOR SOCIAL JUSTICE

The Chair: Would Drummond White please come forward. Good afternoon. Welcome back, Mr White. I understand you're a former member from Durham South.

Mr Drummond White: Centre.

The Chair: Centre, sorry.

Mr White: There is no Durham South. That would be in the middle of the lake.

If I might, Mr Chair, my name is Drummond White. I am appearing not as an individual, but as a chair of a coalition in Durham region, the Durham Region Coalition for Social Justice. With me is my colleague Monica Connolly, who is also a chair of that coalition.

Obviously, people might wonder why someone like myself from a community like Whitby is here in front of the Legislature with a bill that has to do with Toronto, but of course I think we're all affected, certainly those of us who live in the GTA, by what effects are wrought upon Toronto. My friend Mr Flaherty, of course, comes from a similar community as myself. I will refer first to my friend Monica.

Ms Monica Connolly: The Durham Region Coalition for Social Justice, like most of the coalitions for social justice, is a group of groups and individuals with social concerns, the normal ones — health, education, poverty, the environment — but part of our mandate is also specifically to oppose any undermining of democracy.

On one level, as Drummond says, we're not really involved with Toronto. On another level, we very much are, because the method of putting this bill through seems to us to be undemocratic, and we are people who live in Ontario, we are people who live in Canada.

As I'm sure you know, Canadian democracy was not created legislatively; it has evolved. From time to time, then, we change some things by legislation. For instance, the BNA Act, 1867, gives provincial control of municipal matters, no question about it. Whenever someone brings up a constitutional question, they refer back to the BNA Act. But the BNA Act also gives the Governor General all sorts of powers which would be quite improper for him to exercise today. These are powers that are now understood to be exercised by the Prime Minister; the Governor General rubber-stamps them.

In 1981-82, the federal government could technically have patriated the Constitution unilaterally without the provinces, but the Supreme Court said it would be improper to do so without the substantial agreement of

the provinces, and they went back and argued it out and got at least nine of them on side.

In the Northwest Territories, which has the least power of any large area in Canada, over the last 30 years the commissioner has devolved powers which were given to him by legislation to the Northwest Territories Legislative Assembly, and it is generally recognized that it would be improper and indeed impossible for him to take them back today. In fact, the federal government could act quite unilaterally in the formation of Nunavut. I lived there for a while, so I know about this one. It doesn't have to be done the way the Inuit want it, but the federal government has been going to quite a great deal of expense and a great deal of trouble to make sure that the local people are consulted and that any drastic changes have their consent. There have been referendums. They are suggesting there may be another referendum on their idea of a two-person constituency. They've gone to considerable effort to make sure they have the consent of the people.

This is the direction that government has been evolving in Canada, that we don't impose things on people, even if we have the legal, technical right. It is improper and it's undemocratic today in real political terms to make such drastic changes as Bill 103 suggests in the local government of millions of people without seeking their approval. There is no clear consent from the people of Metro to this bill, neither by the vote of the municipal councils, by referendum, by popular opinion as expressed in the press or by discussion as a major issue in a provincial election. The consent of the people, although they may some day wish to consent to it, has not been achieved and it will not be achieved by the few people who have been able to come and talk to you.

I am concerned, as an Ontarian, as a Canadian, that these changes are going through undemocratically. I'm concerned, as a Durham region person, that more changes may indeed go through without proper democratic process in a modern sense, and so my neighbours' concerns are my concerns. I think I'd like to hand it back to Drummond.

Mr White: I think that point is very well taken. In the past, we've heard about the problem with the GTA as being perhaps Toronto or Metro being the hole in the doughnut; at the moment, it seems more like a bomb crater in the middle of the doughnut, people looking over the edge saying, "Thank God it wasn't us," or, "Is it going to be us next?" As a coalition, our concern is not, "Gee, we're all right, thank you very much, Jack," but rather, "This could happen to us as well." Certainly many people in our community are very concerned that these kinds of powers could be exacted without the consent of the governed; a very profound issue.

The idea of amalgamation may make a great deal of rational sense, but if it isn't understood, isn't felt, it shouldn't be used, and we should be looking at other kinds of democratic forums that would yield that consent, that would involve people, forums that I'm sure you've already discussed as possibilities. But as it presently stands, we've had several opportunities where the elite have made decisions, such as in the national referendum a couple of years ago, but that decision was rejected.

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Here again, we have an opportunity before that decision is roundly rejected again to say, "Hey, let's look for a mechanism that would involve everyone," because just as people in Toronto are dissatisfied, so will people in Durham and elsewhere in the GTA be afraid of, "Are we next?"

The idea of rational decisions, of making efficiencies, has been with us for a long time, but when those efficiencies are at the expense of people's identity and the meaning of their lives and the services that make sense to them, the social services and the health services that have to be offered in a meaningful way that's accessible to people, when that can no longer be done through those changes, then it's a profound concern of all of us.

Thank you for your attention, especially given the time that you've taken for these hearings. I'm sure it has been very lengthy and straining.

Mr Silipo: Drummond, welcome back and thank you for the presentation. I just have one question to you with respect to the process. We've certainly suggested that there need to be changes. We agree with that notion. We're not here defending the status quo. My sense is that many people, both those who have appeared in front of the committee and those who have spoken in a number of ways, including the referendum results, are also saying that they believe change needs to happen in the way in which we look at how we deliver services and govern ourselves within Metropolitan Toronto and also within the greater Toronto area.

But one of the things I've been hearing very clearly from people is that there needs to be the kind of involvement you've talked about in terms of people being part of that decision-making, otherwise they resent whatever decisions are made and handed down to them. I just wondered what particular sense you might have or advice you might have in terms of what should happen at this point in terms of this bill, appreciating that you come from an area that isn't immediately affected by it. But I would appreciate what your advice to the committee would be, or to the government members particularly, in terms of what we do with this bill, because tomorrow morning we begin clause-by-clause debate of this bill, and then we make a recommendation to the Legislative Assembly on what to do.

Mr White: First, my understanding is that this bill derives from a discussion of the GTA and not simply of Metro Toronto and of a lengthy process therein, and we're of course involved in that. Where Metro is affected, so are the areas around Metro. Most of the people I know have at one point or another lived in Metro or worked in Metro. There's a give and take. Only in Oshawa, which I've also had the privilege of representing, is there a sense that, "We're Oshawa, and we'll have nothing to do with the suburban city to the west of us." I think that is a profound issue. When you're having a bill which deals only with Metro, it ignores the greater whole.

The other issue that you point out which is very important is that the process should be as democratic as the result. You cannot create a democratic government through undemocratic means that do not involve the

consent of the groups and the constituencies that are involved. How can you create a sense where you're doing something in an undemocratic way and say, "We have a democratic result"? The process and the result should mirror each other. Therefore, the process should be a democratic one involving as many as possible.

The Chair: Thank you very much, Mr White and Ms Connolly, for coming forward and making your presentation today.

ANDREA BOWKER

The Chair: Would Andrea Bowker please come forward. Good afternoon and welcome to the committee.

Ms Andrea Bowker: My name is Andrea Bowker. I'm a lawyer and resident of Metropolitan Toronto for 25 years, and I'm here today on behalf of the Toronto city cycling committee, of which I am a co-chair. I'd just like to add that I'm not here to call anybody "Satan's spawn" or anything else; I'm here to be productive. Once is enough in a day.

By way of introduction, the cycling committee is an advisory committee to the Toronto city council and it is made up of unpaid volunteers, including myself. We celebrated our 20th anniversary in 1995 by accepting *Bicycling Magazine's* — that's a big American magazine — award recognizing the city of Toronto as the best city for cycling in North America.

I'm happy to be addressing you on this last day of committee hearings. It's been a long process, but you now have to consider all the presentations you have heard and figure out what recommendations and what changes to make, and you have to vote on it. As you know, that is a very special privilege that I and the other residents of the Metro area have not been extended. The vote that we did have, we received certain commentary for having exercised it. I would just like to underline that according to the *Star*, more people voted against this legislation than supported this government in the first place, and I think that's an important number to take into account.

I'd just like to dispel a rumour, also, that I keep meeting up with as I speak and hear from members of the government. Opponents of amalgamation are not a group of naysayers who have been whipped into a frenzy by John Sewell. The organization of which Mr Sewell is certainly the most vocal and visible member was born out of a two-night series of deputations at Toronto city council, attended by hundreds of people concerned about the loss of local democracy and about the loss of our city. Mr Sewell was a deputant there, as was I, as were dozens of other people well into the night. It was around that idea of the city that we organized.

Back to the cycling committee. The cycling committee's concerns with amalgamation centre on two main points. We are concerned that the interests of the city of Toronto as it now exists are going to be lost and ignored in a megacity rather than dealt with in the balanced way that they currently are; and second, that this sort of move is going to seriously damage our ability and that of any other volunteer organization that is doing work on behalf of a city to leverage and rely on volunteer power.

I'd like to illustrate our experience working with the city of Toronto and our activity within the Metro Toronto

area with an economic example. I think this also shows that there are other ways to look at these issues that are equally obvious and "Why isn't this held by everybody?" kind of ideas.

When you learn economics, you're taught that competition is the ideal state of affairs because it keeps the consumer happy, it keeps the economist happy, it promotes creativity and innovation and it keeps the prices down in the process, whereas, on the other hand, the monopoly is the big bad guy we want to avoid because it brings stagnation and high prices. I'm not entirely sure why we can't look at city governments the same way and recognize that what we're going to end up with, with a megacity, is going to be an enormous bureaucracy that has no external forces or balances to bring the effects of what is in the market called competition.

It amazes me that we are constantly reminded of the reference in the Common Sense Revolution to reducing the size of government and that somehow this proposal is considered to be an example of that. It doesn't make much sense to me. Given that arguments about economies of scale are problematic — and I heard Paul Christie on the television last week saying that it's obvious it's going to save money. I thought: "If it's so obvious, why isn't it obvious on the face of studies? If it's so clear, where are these numbers?" We have potential numbers and potential costs, but we don't really know what's going to hold true in the execution, so it's not obvious. I'd just like to underline that.

What we do know, though, is that the effect of this on, for example, each city's planning department and the way they design each city in keeping with local needs is going to be harmed. That brings us back to cycling.

Part of the reason the city of Toronto is as wonderful and vibrant as it is is because it's designed at a very human level. This is partly due to the age of the city. It was around for quite some time before anybody invented the car. It's also due to an official plan at the city of Toronto that favours public transit, bicycles and other non-private-automobile modes of getting around.

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Let's just assume for the moment that the bicycle is a neutral thing. I happen to think that designing ways for cyclists to get around can only benefit a city, and the recent focus we've been hearing on automobiles' singular capacity to generate deadly smog emphasizes that. I accept that other people may view cyclists differently, but for the bicycle and cyclists may be substituted any other form of local interests — a particular way of looking at street cafés, a particular way of zoning, a particular way of dealing with economic development issues and challenges. You can just slot all of those in where I say bicycle, if the bicycle doesn't really clue in for you.

The cycling committee was founded more than 20 years ago, as I say, when a consultant retained by Metro concluded that the best solution for cycling in the area was to relegate cyclists to the parks and to ban them from city streets. This is like telling a motorists that when you get off your off ramp at the 401, you have to walk from there to wherever you're going. From the city's perspective this was outrageous and it didn't take into account the reality for cyclists in the city, so the cycling commit-

tee was founded to ensure that cyclists get to speak directly to city council and that ideas like this are not forwarded without the views of cyclists.

We have been toiling away for nearly all of our 20 years by ourselves. Until recently no other city in the Metro area, despite the existence of cyclists throughout the Metropolitan area, nor Metro itself, has managed to evolve an advisory committee of this nature.

The point is this: At this stage in the game, only the city of Toronto has found cycling important enough to involve cyclists in a very real way, to devote real resources to this issue, and also to allow its councillors to draw directly on citizen opinion and effort to benefit us all in working with this issue of cycling. The reason it does that is because there is a huge number of cyclists in the city of Toronto that's simply not present elsewhere. Metro has now developed a committee, but still there's part of this, "Let's quarantine the cyclists over on that path" approach to transport planning.

I also referred to the importance of volunteer power, and this is the same dynamic to which Mr Metalin referred earlier. We can tell you that we rely on volunteer work, and that's not just ourselves as volunteers; we work with the hundreds of volunteers every year to get cycling issues dealt with in the city. As you bring the councillor further and further away from those volunteers and they see less and less of the benefit and of the point of doing work for the city because of that stretched accountability, then you risk undermining that reliance and our ability — and I'm not kidding when I say that we rely heavily on volunteers, because we get hundreds of thousands of dollars of work done by people who want to work because they can see the results.

The Chair: Ms Bowker, sorry to interrupt. We're coming to the end of your allotted time.

Ms Bowker: I'm almost done.

The Chair: Sorry to throw you.

Ms Bowker: That's fine. I'll just jump towards the end here.

Preserving our cities the way they are now is not about arresting some determined path of social evolution, but it's about putting into effect the concept that if it isn't broken, don't fix it. One of the Star polls I noted said that about three quarters of the people they surveyed said, "I don't know what's wrong with the way things are structured now," and I don't think these people are toiling in the dark and need to be enlightened. What they're saying is that things need to be fixed, sure, but this isn't the way to do it. It doesn't make sense to respond to a perceived excess of government by replacing it with the biggest government of them all.

Just in conclusion, the facts are these: The citizens of Metropolitan Toronto simply do not favour coordination and efficiency over all other social values, although those are important, but we don't want to lose the other values we have in society. Change should come from those who know this city best, and that's the citizens and our elected representatives who have a direct connection to the local government that's being sought to be changed. You must consult us, and that doesn't mean just in reference to MPP Gilchrist's comment. It doesn't mean having a plan and saying: "Here it is. Now what do you say to that?"

You have to withdraw the bill and only then can a real, positive process of change begin.

The Chair: Thank you very much for coming forward and making your presentation to us this evening.

JOE HAYDEN

The Chair: Would Joe Hayden please come forward. Good evening, Mr Hayden. Welcome to the committee.

Mr Joe Hayden: First of all, I'd like to say how much I'm happy to be here and to be able to speak publicly as I'm going to now while democracy is still in effect in this province.

I'm Joe Hayden. I was born in Toronto. I've lived here for 60 years. I voted no to amalgamation and, yes, I did understand the question, but I'm confused about the common sense of all this. For example, is it common sense to decrease personal income tax by 30% when our province is trying to reduce an enormous deficit? Is it common sense for a government to even state publicly that it will ignore the results of a citizens' referendum? Is downloading common sense?

I want to quote part of an article I read in the Star which is kind of interesting: "The province wants to take complete responsibility for funding education, but in return municipalities would have to accept new responsibilities for funding welfare, social housing and long-term health care. The province insists that the transfer of burdens is a fair exchange."

If it's a fair exchange and the things that are exchanged are of equal value, why bother exchanging them? Why not leave them the way they are? It makes common sense to me to leave them as they are.

Another thing I don't find common sense is the proposed actual value assessment on homes in Toronto. This was tried before, but it was called market value assessment at that time. Now they've changed that and it's called actual value assessment. I was confused about that so I called my member of provincial Parliament, Mr Saunders, who I don't see here today.

Mr Flaherty: Saunderson.

Mr Hayden: Saunderson — pardon me; I'm a little nervous, I don't usually do this kind of thing, but I feel very strongly. I asked him what the difference was between actual value assessment and market value assessment and he couldn't tell me. He either knew or couldn't explain it or he simply didn't know.

I know the difference. I have here a picture of a home. I'll just describe it for you. It's a one-storey bungalow, with a 33-foot-wide lot, two bedrooms, one bathroom and a mutual driveway, in ward 16 in Toronto. In Scarborough there's a two-storey detached house, a 61-foot wide ravine lot, four bedrooms, two and a half bathrooms, double drive and garage, and ground floor family room and library. My understanding is that both of these homes under actual value assessment would pay about the same tax.

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What I would propose, rather than actual value assessment or market value assessment, is unit assessment; that is, the properties would be taxed on the size of the buildings on the property and the size of the property itself.

A lot of these things were covered so articulately by other speakers that I don't want to repeat them.

The Tenant Protection Act: I'm not even sure if that's been passed yet. Is that still something that's going to be passed? Has it been passed? Does anybody know?

Mr Silipo: Not yet.

Mr Hayden: I hope that doesn't pass because I don't think it's really a tenants' protection act. This is something that's confusing. It is to me. It seems that if a tenant moves out of his or her apartment, then there's no limit set to what the landlord may charge the next tenant. Is that tenant protection? I don't think so. I would vote no to that.

There is something positive I'd like to say with regard to this government. I'd like to thank Mike Harris for eliminating the radar that was proposed for Toronto. That'll save us some money, I'm sure.

I'm just trying to find something else here that's positive for the government, but I'm having trouble.

I will finish by just paraphrasing the old adage: It's possible to confuse some of the people some of the time and perhaps all of the people some of the time, but not all of the people all the time. Any questions?

Mr Hastings: You've already taken on the value assessment proposals, that the existing system in your estimation is perfectly or almost completely acceptable. Whatever somebody is paying in one section of Metro, even though their assessment is based on a 1940 assessment base and somebody else's is based maybe on a 1964 or a 1984 — you're going to obviously have inequitable results, unfair results because one was valued 56 years ago and others are valued on a more contemporary basis.

Mr Hayden: Yes, I realize that.

Mr Hastings: And that's acceptable to you?

Mr Hayden: What I want to know is why wasn't it changed before?

Mr Flaherty: Good question.

Mr Hastings: A very good question. Governments of the past, all three, made varying attempts and they never got anywhere.

Mr Hayden: Why didn't they get anywhere?

Mr Flaherty: They didn't have the courage.

Mr Hastings: Because the city of Toronto primarily, but ratepayers in other sections of, say, central Willowdale, the Kingsway in Etobicoke, parts of Scarborough, managed to focus on that particular attempt and to kill it. If I were them, I wouldn't want to pay a penny more either. Therefore, the system's completely acceptable, that the folks in most parts of Metro who are paying the freight just continue to pay the freight and the ones who have the significant advantage of a lessened tax just continue to do that and everything's okay.

Mr Hayden: Is it a lessened tax?

Mr Hastings: Yes. You can go to —

Mr Hayden: Taxes went down you're saying?

Mr Hastings: You can go to any city hall —

Mr Hayden: My taxes didn't go down. They continue to rise every year.

Mr Hastings: Let me give you an example. The Schmidts paid \$3,455 on their \$227,000 Scarborough bungalow, while lawyer Eddie Greenspan paid \$3,755 on

his \$1.84-million Toronto home. The Schmidts were paying \$1,288 too much while the Greenspans were enjoying a \$13,423 break. There are other examples I've cited. I brought down the Metro treasury books the other day from, I think, 1993, and in my area of Metro about 90% of the residential taxpayers would have tax relief, on average, of a modest amount of at least \$500. Even commercial-industrial in most instances would end up paying less.

The Chair: Mr Hastings, I'd like to —

Mr Hastings: But you're saying that's okay, that the one —

Mr Hayden: I did not say that —

Mr Hastings: Well, you implied it, that the existing system and the AVA system proposed don't deal with the problem. You said value —

Mr Hayden: No, I did not. What I said was —

The Chair: Mr Hastings —

Mr Hayden: — why was it not changed? If it's not the will of the people of Toronto as it was in the referendum regarding the amalgamation —

Mr Hastings: They fought it tooth and nail.

Mr Hayden: Of course. Of course the people of Toronto did. If everybody fights things that they recognize as not a good thing, then I think justice and fair play will result from that.

Mr Hastings: Justice and fair play for the privileged.

The Chair: Thank you, Mr Hayden, for coming forward and making a presentation this evening. We're recessed until 7 pm.

The committee recessed from 1807 to 1903.

The Chair: Good evening, ladies and gentlemen. This is the standing committee on general government, evening session.

Two announcements: No amendments have been tabled by any of the three parties to this point. The second announcement is that we got in touch with Mr Armstrong, Mr Pickard and Ms Gibbons, and all three have declined. One was very difficult to get hold of because they were on vacation, so I want to compliment the clerk for finding them and being able to get in touch with them all.

Mr Sergio: They declined because they were away?

The Chair: One was. It was amazing that they got hold of them.

POLISH GAY AND LESBIAN ASSOCIATION (TORONTO)

The Chair: Our first deputant this evening is Kazik Jedrzejczak. Good evening, sir. Welcome to the committee. You have 15 minutes this evening to make your presentation.

Mr Kazik Jedrzejczak: Mr Chairman, dear committee members, thank you very much for allowing me to speak at this hearing concerning Bill 103, the legislation to merge Metro and its six municipalities into a single megacity. My name is Kazik Jedrzejczak and I'm the president of the Polish Gay and Lesbian Association (Toronto).

The Polish Gay and Lesbian Association in Toronto was established in 1992 and now has over 200 members,

mostly people who are Polish or of Polish descent. Our association provides educational and support services for gays and lesbians within Toronto's Polish community.

As the president of the Polish Gay and Lesbian Association and as a resident of the city of Toronto, I am concerned about the impact of this amalgamation upon AIDS prevention. This problem is close to my heart, because during the last 10 years I have lost more than two dozen of my close friends, most of them Polish. I believe the best AIDS prevention policy is education. The need for AIDS education within the Polish Canadian community is particularly urgent since so many new immigrants from Poland speak little or no English and have very limited understanding of the principles of safer sex.

The city of Toronto has provided leadership from the very beginning of the AIDS epidemic by supporting community prevention and peer support programs. In 1987, the city council established the AIDS prevention program in order to support community initiatives to prevent the spread of HIV and AIDS. To date, the board of health has allocated over \$7.7 million to over 279 community groups and agencies for the purpose of HIV-AIDS prevention. The purpose of the HIV-AIDS prevention program is to increase and maintain consistent, correct condom use; decrease unsafe needle use behaviours; enhance communication skills to improve negotiation in relationships; and enhance the health of those living with HIV. These projects address social barriers related to poverty, race, sexual orientation, culture, sex and language skills. The city of Toronto is the only Metro municipality to give its own money — about \$ 1.5 million annually — to community groups and agencies for AIDS education and prevention.

The AIDS prevention programs are given to many different cultural communities or agencies, such as the African Community Health Services; the Black Coalition for AIDS Prevention, CAP; HIV-T Group (Blood Transfused); the Alliance for South Asian AIDS Prevention; the Asian Community AIDS Services; the Gay Men's Education Network; Hassle Free Clinic for men and women; Maggie's/Toronto Prostitutes' Community Service; Toronto's People With AIDS Foundation; Street Outreach Services; Positive Straight Men; Voices of Positive Women; and many more.

In the past two years, the Polish Gay and Lesbian Association has received grants from the Toronto public health department for an AIDS prevention program in the Polish community. Thanks to these grants, we were able to publish and distribute 5,000 brochures in Polish on safer sex for men having sex with men. We also organized 10 workshops in Polish on HIV-AIDS prevention, operated the Polish-language information telephone line, conducted the HIV-AIDS support group in Polish and provided referral information for HIV-positive men. Thanks to the city's support, our association was able to organize a forum on AIDS directed at high-risk groups, with the participation of Polish doctors and other health care professionals providing medical services to the Polish community in Toronto. We work closely with the Gay Men's Education Network, a recipient of the city of Toronto grants, to conduct ongoing bathhouse and park

outreach activities. I would like to underline that we are the only Polish-speaking group to offer these services.

Our brochure on safer sex has gained accolades for its culturally sensitive text, simple language and effective design. Recently, the Polish Ministry of Health and Welfare in Warsaw requested permission to use our Polish text on safer sex in its materials.

Many members of our association as well as in the gay and lesbian community at large express their concerns that the megacity and downloading could prove disastrous for HIV prevention and for services for people with HIV-AIDS. The megacity threatens unique Toronto AIDS programs for which people come downtown from all across Metro. Grants to AIDS organizations in Toronto and related services may be eliminated or drastically reduced as a result of the downloading of public health costs and the amalgamation of Metro Toronto. The cost of such services to municipalities may well result in pressure to reduce or eliminate them.

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Grants for direct services to people with HIV-AIDS — counselling, needle exchanges and other harm reduction initiatives for drugs users; AIDS prevention education; culturally specific services — could all be endangered. All those services have been essential in improving the quality of life of people with HIV-AIDS and is preventing the spread of HIV.

Many AIDS-related programs funded by the city rely on volunteers to provide services. If these programs are cut, important supports for volunteer services will disappear. This risk will undermine the Ontario government's own emphasis on the use of volunteers to provide community services.

Amalgamation and downloading could prove disastrous for people with HIV-AIDS in Toronto, who may lose access to housing, social assistance, long-term care and services provided by community-based health organizations if the Ontario government's proposed legislation is passed. Currently, there is a two-year waiting list for HIV-designated housing.

Of additional concern to people with HIV-AIDS is the Ontario government's concurrent proposal for a narrower definition of "disability." The new definition may exclude many people with HIV-AIDS from family benefits allowance and require them to go on Ontario Works, so-called workfare.

Finally, I am concerned about accessibility to the municipal government after amalgamation. The Minister of Municipal Affairs, Mr Al Leach, claims that the megacity will mean better accessibility. For me, the megacity means a mega-bureaucracy. The public health department will become a huge bureaucracy. One wonders how responsive it can be to an individual with HIV who needs services.

During the past years, the Polish Gay and Lesbian Association has established good relations with the city of Toronto councillors and the city employees. We have open lines with Kyle Rae, David Hutcheon and Chris Korwin-Kuczynski, who wrote recommendations for both our grants.

On two occasions we were honoured at our functions by the presence of Ms Barbara Hall, Toronto's mayor.

Last year, she appeared during our reception to launch the Polish brochure on AIDS. She took some of these brochures to Poland to launch during the 400th birthday of Warsaw. This year, she attended our Polish Night at Woody's to help us raise \$2,000 for the Toronto's People with AIDS Foundation's emergency food bank. A week earlier, she attended a dinner for the Polish Women's Federation in Toronto. We are afraid that the megacity's mayor will be politically too busy to be available to any small organization like ours.

In 1979 I left my native Poland because of the totalitarian regime which did not listen to the people and because of a government which tried to ram its ideas and ideology down our throats. The citizens who opposed these views and methods were called hooligans by the Communist regime. As such a hooligan, I left Poland for Canada. In the Ontario of 1997 I face a similarly unconcerned and arrogant government which rams through legislation and calls the citizens in opposition special interest groups.

In summary, Bill 103 is a mega-mistake. There has been no careful analysis of what the megacity would offer that would be better for its citizens. The government proposal is too short on analysis and too long on hypothesis. As the president of the Polish Gay and Lesbian Association in Toronto, I strongly oppose Bill 103 in the form now presented.

Thank you for your attention.

Applause.

The Chair: Order, please.

Mr Colle: Thank you very much for your very thorough and compelling presentation. I appreciate your being here.

A large number of new Polish immigrants have seemed to come into the west part of Toronto. Is that where most of the new Polish immigrants have settled in recent years?

Mr Jędrzejczak: Yes. Originally it was the Roncesvalles area. After that they moved to the west Bloor area, where I'm living. They are spread in Scarborough now, Etobicoke and Mississauga.

Mr Colle: Are some members of your association or people who need information or who want to network with you coming from those other municipalities to get help from the Toronto association?

Mr Jędrzejczak: I think the majority of our members are Toronto citizens, because they are living downtown. Gay Village is on Church Street and in the environs. This is why most of them live in the city of Toronto, I would say.

Mr Colle: I guess one of the reasons they like living in the city and near Church Street is because the supports are there, like your association, and I know you've got 519 Church —

Mr Jędrzejczak: Yes, but not only our association. In Toronto you have over 200 different gay and lesbian groups, mainly around Church Street, but they are spread out — recently a Parkdale association — and there are a lot of so-called ethnic or cultural community groups. We started five years ago. Last year, a Portuguese group and an Italian group; Avanti Italiani is their name. This is what we need on the barricades.

Mr Colle: So the city of Toronto council has been very sensitive and supportive of the needs of the gay community and very much a partner in trying to educate and support the community?

Mr Jędrzejczak: Definitely. We have almost personal relations. During our two functions attended by the mayor of Toronto, we had representatives from New York, from the Polish Gay and Lesbian Association together; they were shocked because for them it's unimaginable that the mayor of a big city would attend a small function. There were no police, no closing of the street; it was just a normal event.

Mr Colle: I think that's an example of a so-called little thing that a mayor is involved in that means a lot to you and the citizens and people who are a part of your association, that a mayor can be there physically for a function which is small in size. The mayor being there is very important to you.

Mr Jędrzejczak: Yes, it is, and it is not only important for me as being gay but also as being Polish. The mayor attended, as I mentioned, these functions and she also went to Roncesvalles to open several parades and so on. She's available.

Mr Colle: The mayor of the new city is not going to have that kind of time.

Mr Jędrzejczak: Definitely not. It will be a big figure, a big fish, and we'll be very small and marginalized.

The Chair: Thank you, Mr Jędrzejczak, for coming forward today to make your presentation.

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TORONTO MAYOR'S COMMITTEE ON COMMUNITY AND RACE RELATIONS

The Chair: Would Antonella Ceddia please come forward. You have 10 minutes today to make a presentation.

Ms Antonella Ceddia: I'm a member of the Toronto Mayor's Committee on Community and Race Relations and I'm speaking on behalf of that committee tonight. The committee has concerns about Bill 103. For the purposes of this discussion and in the limited time available, those concerns can be grouped into three areas: a potential loss of government services and programs that benefit the diverse citizens of the city; representation and equal opportunities in the new megacity bureaucracy; the accessibility and responsiveness of the megacity council to the diverse needs of a Toronto population.

I read the papers this morning, and I'm speaking with the awareness that the government has said, at least to the papers, that it's going to be making some changes to Bill 103 and to its plan to download services. I'm aware of that, but I can only speak about what's on the table now, and that's Bill 103 as we see it. Even if the downloading of services doesn't happen, I want to stress that the committee feels amalgamation is a bad thing in and of itself because it wouldn't be local; it would be too big to be local.

Let me start with talking about services. The city of Toronto, of all the municipalities slated for amalgamation, has the highest number of visible-minority persons, the

highest population of aboriginal persons, persons with a disability, gays and lesbians, bisexuals, single-parent households, elderly persons, and I can go on and on. The primary reason these populations are choosing the city of Toronto, just as the colleague who spoke before me mentioned, is that Toronto has a level and quality of services available for these communities and for these populations. I'm thinking of things like settlement homes, community health programs, recreation centres, chronic care for the elderly; and if we want to move to provincial services that help these groups run in cooperation with municipalities, we'll talk about transit, welfare, and some arts and cultural programs. These programs are things that other cities look to Toronto for and hold the city in high esteem because of.

We have these services in Toronto, and what they do is allow a mix to survive in the city. You can't walk down a Toronto city street and not see a wonderful mix of people from different incomes, different backgrounds, different waves of immigration, black, white, red, yellow people, the list goes on and on. This diversity is Toronto's strength. This diversity and this mix depends on the local services. What the Toronto Mayor's Committee on Community and Race Relations is saying and what other communities are saying is that Bill 103 is threatening these services.

I'm talking about the local services. Apart from whether downloading is going to happen — there are two parts to this — the local services are going to be threatened, and that's what the colleague before me talked about. The downloading is also going to have a terrible effect.

What's really worrisome and troubling is that there hasn't been an impact study done on this disentanglement of services. How exactly is it going to happen? What is it going to mean? What services are we going to have available? What's going to be cut? We don't know. We haven't heard. That scares us. That scares the communities the committee works with. There are analyses — I'm not going to get into them because of time, but they're quoted in my brief — that estimate reductions in current spending, and a reduction in spending means a reduction in services. There's no credible study, plan, strategy, anything presented by this government to tell the citizens what's going to happen to these local services that are linked to the heart of the city, that make the city rich.

We're going to have a council of 44 serving 2.3 million citizens. That kind of council I would argue is going to be far removed from the realities of Toronto's streets, schools, residences and neighbourhoods. Such a huge council is going to be hard-pressed to recognize, let alone appreciate, the value of the services required in maintaining the mix for which this city is so admired and held in high esteem internationally.

Bigger is not going to mean better. It will mean that the most vulnerable and those who don't fit the mould of a model citizen, as this government might see it, will be lost. Bigger means less able to adapt to local needs, less flexible, more unwieldy. It will be what Hobbes referred to as a leviathan, a huge, autocratic body operating far removed, on its own and unchecked.

That's the services part of it. I would like to speak more about it, but I'm going to move on to the second part, and that is representation and equal opportunities in a new megacity bureaucracy. Everything is vague. Let's say this bill does go through; we hope not, because we're recommending a withdrawal of the bill, but let's say it does go through. You're going to have a transition team and that transition team is going to be appointing, deciding what senior staff is going to be running local government. The key word here is "appointing," or rather, that isn't the specific word that's used; it's all vague. That worries me, because a transition team appointed by the government choosing senior civil servants is a problem. It just reeks of conflict of interest.

The task of appointing department heads and senior civil servants is an important one. It's going to shape the whole bureaucracy, the whole civil service. We haven't heard anything from the government about any fair practices for choosing the megacity's senior staff. All we're left with, all we can conclude, is that these people are going to be handpicked. This method of handpicking, if you want to call it a method, is a dangerous one, and it's fraught with potential for unfairness.

The questions we ask are: Will the government ensure that equal opportunities are going to exist in the selection of megacity staff? Is the new megacity staff — if we get to that stage, and I hope not — going to represent the population it serves? Has the government put any thought at all into that? We might not have any employment equity legislation any more, or very weak employment equity legislation, but I want to remind you that we still have the Human Rights Code, which speaks to fair employment practices.

This whole transition team of course is going to operate above the law. I don't know if we have to go to court to have someone say it's not democratic, but I wonder why there's a need for that. This just speaks to an old boys' network, a white old boys' network, and that's been recognized in the public and private sectors —

The Chair: Excuse me for one second. Folks in the audience, please, there's no audience participation. The yesses and mm-hmms and so on are throwing me off. I'm trying to concentrate on what the deputant is saying, and I'd appreciate it if you would keep those comments and things to yourself. Thank you very much.

Ms Ceddia: I couldn't even hear it, so I must be right into this.

The Chair: I can hear it, though. It's throwing me off, and the members might be thrown off too.

Ms Ceddia: The handpicking — I'll start from there again — is just talking about a white old boys' network. We've all recognized, in the public sector and the private sector, that that's detrimental for a host of reasons, including service delivery and service efficiency. The Harris government claims it's strong on those two areas.

After we've handpicked the senior civil servants and elected a mega-council, the bill says councillors are going to establish volunteer neighbourhood committees and will also determine their function. These committees are supposed to allow for direct citizen involvement. The legislation doesn't specifically state or outline how the committees are going to be established and what their

functions are. It leaves that open, again very vague, and I think it ought to be more specific in this area.

Is the government speaking of appointing volunteers to these committees? I hope not. Moreover, the vague reference to these committees in the bill raises the question about whether councillors will choose their supporters or their buddies to sit on these volunteer neighbourhood committees, with the result that the voice represented by these so-called neighbourhood committees is only going to be one voice rather than a diversity of voices representing a diversity of interests, and that one voice is going to be the voice of the buddies of the Conservative government. There's too much uncertainty in this area and the bill ought to state more about this if the government's intention is to truly guarantee some voice for citizens who are going to have to face the mega-bureaucracy.

Last, I want to talk about accessibility and responsiveness. These points were made by the person who spoke before me. I'll just speak from personal experience on this one. One of the beauties of living in the city is that if a community is having a problem, a concern — I sit on a ratepayers' group — you can call up the councillor. The councillor has come to many meetings on very short notice to deal with our concerns. The mayor chairs the Toronto Mayor's Committee on Community and Race Relations, so every six weeks we hear from a list of deputants, we consider different pieces of communication; people have the ear of the mayor if they pick up the phone and make an appointment.

That's not going to happen in the megacity. It's pure and simple arithmetic. You're going to have more people to serve; one mayor, fewer councillors, and more people to serve. It's just not going to happen. That's simple.

What we have is citizens faced with a loss of services, representation, accessibility and responsiveness on one side of the balance sheet, and on the other side of the balance sheet, which the government works so hard to balance, we don't see anything, only vagueness, and that worries us. There aren't any studies showing that there are going to be savings. The KPMG study is a big fiasco. The Metro board of trade, which the government was relying on to be an ally, actually didn't turn out to be an ally.

Any guarantees that property taxes are not going to be increased — we hope that's more than window dressing, but I can't see how we're not going to have an increase in property taxes with this plan. That worries us and it worries the Metro board of trade.

The Chair: Ms Ceddia, I've added some extra time and even with that you're coming to the end of the presentation, so I wonder if you could wrap up.

Ms Ceddia: I'll close if you give me a minute. The committee is not saying that the present system of local government is perfect as is. The committee's saying the Conservative government should take the referendum result, the submissions, things you're hearing in these public hearings and use it all as an opening to sit back and say: "Maybe we need to rethink this again. Maybe we need to sit down and talk to people and look at the studies." What these studies show is restructuring of government, which I think a lot of people support, but

they show a strengthening of local government, not an abolition of local government.

This is not about the government's pride; it's not about saying you were wrong or off the mark on this one. It's about beginning a new set of discussions about how local government ought to be structured and improved, and that's what we hope you'll do. Thank you.

The Chair: Thank you very much for coming forward and making your presentation to the committee this evening.

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CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 1

The Chair: Would Bruno Silano please come forward.

Mr Bruno Silano: Thank you, Mr Chair, for having us. I'd like to start by saying that I find it rather ironic that Premier Harris in one of his TV commercials shows an old, congested and complicated electrical panel, and after disentanglement the same apparatus is nice and neat and working properly as the Premier flicks the switch. The opposite would happen, in our view, should amalgamation of the municipal electrical utilities take place within Metro.

Allow me to introduce myself. My name is Bruno Silano and I'm the president of CUPE Local 1. With me are Brother John Cammalleri, vice-president, and Brother Ron Sisti, overhead foreperson. Our employer is Toronto Hydro.

The workers at Toronto Hydro have been unionized dating back to Toronto Hydro's inception around 1913. Local 1 represents over 1,000 women and men in trades, technical and clerical positions. Our unionized workforce is highly trained, skilled and qualified. CUPE Local 1 and Toronto Hydro have spent an enormous amount of time, energy and resources with the members of our union to bring them to their present level. Our workforce is involved in every aspect of the operation of the utility, from the lines, poles and transformers you see on the street to the cables and transformers underground, to the office staff involved in the planning and design of the distribution system, to the members who send out hydro bills and answer customer inquiries.

I'd like to speak now on what a municipal electrical utility is. For those of you who don't know, a municipal utility, specifically Toronto Hydro, is wholly owned by the public. At present there are six different and distinct municipal electrical utilities in Metro. Toronto Hydro is by far the largest and the oldest of the six.

A municipal utility such as Toronto Hydro purchases electrical power from Ontario Hydro wholesale and then marks up the price and resells electricity to the residents and businesses of the city of Toronto. Toronto Hydro receives no taxpayer money whatsoever. We sell power at cost to the residents and businesses. The markup I spoke about earlier is enough for Toronto Hydro to finance its entire operation.

The utility is completely self-sufficient. Toronto Hydro is a revenue generator for the city of Toronto. The public owns the electrical infrastructure. The public, through payment of their electrical bills, has paid for the highly

skilled workforce now in place at Toronto Hydro. The public owns the fleet vehicles. In 1995 Toronto Hydro had gross revenues of over \$700 million. Of that figure approximately 80% went to Ontario Hydro; the remainder formed the basis for Toronto Hydro's operating and capital expenditure budgets. This still enabled Toronto Hydro to reimburse the city of Toronto coffers the sum of some \$40 million in 1995 alone.

Electricity is a vital service. It's just as important as water and air. People take electricity for granted — that is, until you no longer have it. That's when people come running into the streets demanding that power be restored as quickly as possible. In essence, the city of Toronto depends on electricity.

I'm here to speak to you today on Bill 103 because as a union we have grave concerns about how the bill will impact upon our workforce, the residents of the city of Toronto and Metro. I want to address head on the Tories' claim that a megacity will save money.

There are two scenarios for a mega-Hydro, and both cost more money. Amalgamation is supposed to be all about efficiencies and cost savings. Cut through all the rhetoric about disentanglement, downloading or single-tier government and at the end of the day services are supposed to be cheaper in the new megacity. Well, at Toronto Hydro the exact opposite will be the case. Our mega-utility will not be cheaper than the current six municipal electrical utilities.

Scenario one: six separate units. If we're starting from scratch, with no staff or equipment or physical plant, one mega-Hydro might be cheaper, but the reality is this: Toronto Hydro crews have only been trained to work in the city of Toronto, on our equipment and our plant. North York crews have different equipment, different skills and very different plant. Even with one mega-Hydro, these crews will be kept separate. Despite having one massive overhead department, for example, the current crews will have to be segregated into separate units representing Toronto, North York, Etobicoke, York, East York and Scarborough. One mega-Hydro, maybe, but six separate units for each department.

And here's where your cost savings end up: You'll need to expand middle management to act as a liaison between each unit. Each current department has a supervisor. You'll need a mega-Hydro supervisor to oversee each of those units. The mega-Hydro will have to expand its bureaucracy in an already top-heavy system. Time and again, this is why experts have told us that amalgamating huge cities is more expensive, not cheaper.

Scenario two: collapsing the utilities into one system. This is the other path to go down, that you simply collapse the current six overhead departments, to return to my example, and merge them into one department. But one new large utility will create an extremely complex electrical infrastructure. Understand that in the city of Toronto alone there are no less than four distribution schemes presently in use and over 12 overhead and underground construction schemes. We have the most complex and diverse system in all of Metro. Our workers, with years of experience, are taxed to the limit every day changing from working on one distribution system to another.

Collapsing into one Hydro would result in crews from, say, downtown working in North York with totally foreign equipment and tools. Here's what you'll see:

First, more injured workers. Their inexperience will make them work slower, but pressure to perform will ultimately result in more injuries. Toronto Hydro, with its complicated physical plant, already has one of the highest worker injury rates in North America. How many more of our women and men must die?

Second, there will be decreased efficiency. Working in a new environment, crews will inevitably work more slowly. Management can crack the whip all they like, but most of our members will work slower to be on the safe side. Electricity isn't like paper-pushing; if you screw up, you could be killed.

Third, system reliability will decline. Our famous 99.98% system reliability will fall while inexperienced crews struggle to get the lights back on for our customers. Business especially will not tolerate this. Some will leave. Businesses demand that power be restored immediately. Why? Because no power means no business; they shut down. Again, when the power is out in Toronto, people come running into the street and our switchboard is immediately flooded with calls.

Fourth, customer service will decline. Many of our crews are assigned areas within Toronto, such as east, west or central. This enables our workers to obtain an intimate knowledge of their area. Under one Hydro, inevitably this will be lost as workers will become decentralized and be moved around the entire Metro area.

Finally, mass training will be costly. The physical plant in North York works on a different system than the city of Toronto. Workers will need full-scale training to be able to work on it. That means expensive training courses, lost time, and higher costs.

All of this will cost more, not less. The Harris megacity will drive up electrical costs, squeezing residents and business customers even more. Urban planning experts will tell you that proximity to a cheap and reliable power supply is perhaps one of the most significant reasons for industry to locate in an area. The changes needed at Toronto Hydro to be effective in a megacity will cost millions of dollars. Rate increases are only one of the ways to manage this. Amalgamation is supposed to make us more attractive to new business investment but in reality the opposite will be true. Higher power rates are no small matter. Under these changes, we simply won't be competitive with municipalities in the 905 region. Business will have one more reason to either leave Metro Toronto or not settle here in the first place.

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The Chair: Mr Silano, you have a minute remaining. If you want to go to the most key parts and wrap up, I'd appreciate it.

Mr Silano: Our jobs matter. A mega-Hydro will lead to mass layoffs in personnel. We at CUPE Local 1 see amalgamation as having three clear goals: to privatize the utility, smash our union and pay for the 30% tax cut.

In 1995 this government cut funding to municipalities by a whopping 48%. You are forcing municipalities to privatize, downsize and eliminate work. Municipal employers such as Toronto Hydro will bring in contrac-

tors in the hope that it will save money, as the new municipality will need ever greater revenues from the utility to make up the shortfall in payments from the province.

Your government is supposed to be trying to create jobs. The proposed megacity legislation will lead to just the opposite. The 4,500 jobs that will be eliminated, as stated by the now infamous KPMG report, will have negative ramifications at Toronto Hydro. Some of our members will be part of the 4,500 jobs mentioned in the report.

At Toronto Hydro there has already been extensive downsizing. Over 15% of the unionized workforce at Toronto Hydro has been downsized due to a severance package introduced in 1994. A significant number of senior, experienced personnel left the employ of Toronto Hydro. If we are downsized further, any more cuts to the workforce will lead to an unmanageable situation with severe consequences for the workers and the public.

Member awareness and labour unrest are building as many members are seeing through the government's true agenda; namely, their job, their future, their union are all about to disappear. The government has contempt for unionized workers. Our members are starting to see that without a job, what good is a tax cut, what good are low interest rates?

The Chair: Mr Silano, I'm going to —

Mr Silano: Can I just wrap it up? I've got two more paragraphs, please.

Bill 103 speaks of a transition team. CUPE Local 1 feels this team must include representatives from labour who have an intimate knowledge of municipal electrical utilities. Also, Bill 103 states that a minimum of three or more commissioners shall be appointed by the new council. Local 1 feels this commission must include members of the public. As it is right now, the representation is not democratic, nor a fair representation of the potentially new megacity.

No means no. Don't attempt to sell your megacity by ensuring that property taxes will not increase. That's a sellout and a trick to confuse the public. In the Globe and Mail yesterday, over 75% of the votes cast in the referendum were opposed to uniting the six distinct municipalities. The public has spoken. No means no to amalgamation, no to a megacity.

Lastly, I would like to state that it is deplorable that legislation such as this can be introduced knowing full well that it will have a devastating impact on so many working people in Metro, that the government did not even think to mention how to deal with the employees directly affected by this legislation. Not one word. Shame.

Thank you for your time and I hope Local 1's views on the megacity will be heeded.

The Chair: Thank you, gentlemen, for coming forward and making your presentation tonight. We appreciate it.

CHARLES DIAMOND

The Chair: Would Charles Diamond come forward. Mr Diamond, welcome to the committee.

Mr Charles Diamond: Thank you for this opportunity to address you. Everything that could be said about Bill

103 has I'm sure been said. What I would like to address is the behaviour of this government, because that more than anything else is where the problem lies. I'm not referring to the government's behaviour around only Bill 103, but around its behaviour in general, since at least September 1995, the month in which the angry demonstrations at Queen's Park took place in response to cutbacks in GWA. The exact date of that demonstration I don't recall but I will never forget the Premier's response. He said, "These people didn't vote for me; they don't agree with my policies; they're not my constituents." In other words, Mike Harris doesn't see himself as Premier of all the people, only some of them. This would certainly explain the dismissive comments he has been making about the concerns of those of us who are opposed to this bill.

Within three months, in December 1995, the government introduced the omnibus bill, giving itself sweeping powers. Even though the Legislative Assembly was recessing for Christmas, the government claimed it needed to have this new authority immediately. Because the government was acting with such haste and such impatience, the bill was approved on third reading before it was even printed. Why?

One year later, December 17 or 18, I don't recall exactly, the government introduces Bill 103. In that introduction and subsequently the government has been quite blatant in its arrogance, dismissiveness and contempt of the people in general and the people of Metropolitan Toronto in particular. Many examples of that contempt abound, one of the most egregious of which is how the Ministry of Municipal Affairs and Housing has handled the amalgamation hotline, as reported by Martin Mittelstaedt in the January 24, 1997, *Globe and Mail*. In that article we discover that when a citizen phoned the ministry for information, without the caller's knowledge or consent, the name, address and phone number of the caller were recorded via call display, and whether he or she supported the government policy.

I've had the clerk photocopy the article for you. For clarity's sake, it doesn't explicitly state there that it was done without the caller's permission or knowledge, but in the radio and television reports elaborating on this article, it was claimed that it was done through call display. Nowhere in the ads that the government was running at the time did it say, "Your call is being recorded by name, address and phone number via call display and your comments are being recorded."

A further script that government spokespeople were using to answer caller questions stated that amalgamation would save X million dollars a year. To record people's responses individually, without their consent, and provide savings figures they knew could not be verified was deceitful and dishonest.

Throughout the entire time period since Bill 103 was introduced, the government has said it would not respect a referendum. Even now, after the people have spoken and clearly said no, the government is defying the public will and saying it will proceed.

I am opposed to Bill 103, not only for the content of the proposed legislation but for the process the government has employed in its introduction and promotion.

In closing, I would like to return to what the government needs to do right. First, it needs to withdraw Bill 103 and start anew. Second, and more important, it needs to honour and respect the people. Mike Harris needs to realize that he is not the CEO of a corporation but the elected Premier of all the people of Ontario, not just those who voted for him or agree with his policies. We need a government that listens and responds to the will of the people. We need a government that is honest. We need a government that we can trust.

I urge all members of this government to vote against this legislation. I urge the Lieutenant Governor not to give royal assent to this legislation should the government be so foolish as to pass it. Thank you for the time and consideration you have given my comments.

Applause.

The Chair: Ladies and gentlemen, I can't have audience participation all night. I'm going to have to —

Mr Colle: It's the last night. Let them clap.

The Chair: No. They're no different than any other audience, Mr Colle. It's the rules of the Legislature and you know them full well. I'm just enforcing those rules. I need order. If I have to keep making announcements, people who present at the end of the night are going to lose time. If I have to call recesses for you to come to order, that's going to come off the time of the people at the end. Please don't do that to them. I want to hear all the submissions. We haven't missed anyone yet. I would hate on the last night for that to happen.

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Mr Silipo: Mr Diamond, thanks for your presentation. One of the things the government is going to have to deal with now is exactly what you raise in the latter part of your presentation, which is how it is going to respond to the referendum results in particular. We've heard so far the response and what it's been and we can all make our judgments as to whether they've actually heard anything or not through the referendum.

It's interesting that tonight the deadline for submitting amendments to be considered by this committee has come and gone and the government has presented no amendments. So when we go into clause-by-clause debate starting tomorrow morning, we will actually be going through the bill as it is with no amendments.

That presents us with an interesting dilemma. The government has said it wants to think about this for the next little while, yet I get very much the impression that what they're going to be thinking about is not so much how to honour the results of the referendum and withdraw the bill — which I think has got to be a minimum starting point; I think you said that in your presentation — but rather how to come up with a number of amendments that they will then be able to suggest address somehow the various concerns that people have put forward, whether in the committee or in other places.

My question to you is this: Do you see anything short of withdrawing the bill as being acceptable in the way of amendments to what this bill does?

Mr Diamond: The bill itself is defective and the whole process has certainly been one of such flagrant contempt, I would say to me it borders on malice.

Mr Silipo: I want to pursue another issue. We have suggested as a party that the withdrawal of the bill is the first thing the government should do. Second, recognizing, we believe, that there is an understanding about the need to make some changes in the way in which we govern ourselves at the local level, but also understanding that both of the last major studies on this pointed out that the first area that needed to be looked at was how we coordinated and governed services at the greater Toronto level, recognizing that the region now is greater Toronto, not just Metropolitan Toronto, we've suggested the way in which we believe the government can both find a way out of this dilemma and also get the discussion on to the track that it needs to be on is to delay the municipal elections by one year, set up a citizens' assembly, a real process of discussion which over the next number of months would come up with some answers, building on the work that's already been done. I'd be interested in your reaction to that as a process and as a way out of this.

Mr Diamond: I agree. That sounds like a reasonable process to me, to involve the people and get their input. I haven't read the Golden report, but I've read the newspaper reports of the report where she said that you need to dissolve the Metro government, keep the local governments and just expand; in essence, form a new Metro that includes the GTA, which makes sense to me because the GTA today is probably what incorporated Metro back in 1953, so that sounds reasonable. What you're doing is just redefining the Metro government to include a broad area, but you're keeping the local governments, involving the citizens in that process. You don't just appoint a transition team which is answerable to no one except the minister, tell them that they meet in private, they can't talk to the press, and you can't appeal any of their decisions to anybody. That's not a democratic process, it's not an honest process, it's not an honourable or respectful process. That's the contemptuous process that we need to make sure does not happen.

The Chair: Thank you, Mr Diamond, for coming forward this evening.

JAMES LOCKYER

The Chair: James Lockyer, please. Good evening, Mr Lockyer, and welcome to the committee.

Mr James Lockyer: Good evening. I want to start by saying I am not here representing anyone tonight other than myself. I'm actually a lawyer by profession, so usually I'm representing someone, but I must say representing myself I feel a whole lot more anxious than when I represent someone else.

I haven't prepared any statement for you either because I wanted to try to talk as freely and naturally as possible in addressing you. In trying to think about what I was going to say tonight, I was thinking of the irony of all of this, that what this megacity or megalopolis argument has developed into is something of a cloud with a silver lining. The cloud to me is this government and its policies. The silver lining is the participatory democracy that has arisen out of the cloud of this government and its policies.

I don't view the megacity as an isolated policy of this government; I view it as part of an overall strategy of this government. It's a government which, in the two years it's been in power, from my perspective, represents a special interest. It represents a special interest which is business. It represents a special interest, that is, the special interest of the well-off, of whom I happen to be one. I will put myself in that category. So I particularly resent the way this government simply concerns itself with the special interests of those who have as opposed to those who have not.

Bill 103, as far as I'm concerned, is part of an overall strategy of downloading services, which is another way of saying cutting services, of eviscerating school boards and reducing services for schools, of reducing services in every field which represents the have-nots.

I am personally involved in quite a lot of work for those who are developmentally handicapped, and I have seen at a firsthand level the consequences of cuts in services to those people. All this of course is in the name of a tax cut.

Looking at Bill 103 from a strictly Bill 103 point of view and not looking at it from the point of view of what I would consider to be the overall strategy of this government, historically this country has always had a national government — the federal government — a provincial government and local government — the municipal government — and by and large over the years, certainly while I've lived in Toronto, which is some 30 years despite my accent, municipal politicians have served their communities very well indeed.

There's always been a healthy left-right-centre balance, and I say that despite the fact that for the last heaven knows how many years I've had the misfortune to be represented by Tom Jakobek. I've done what I can to get rid of him. I work against him. I vote against him. He's still there, but I still support the system that has him there.

The silver lining, the participatory democracy that Bill 103 has led to, the radicalization of me and others, the involvement of me and so many others in this city trying to oppose this bill is a tremendous plus that's arisen out of Bill 103, and that's the irony I addressed at the opening of my remarks. Mr Gilchrist, Mr Leach, Mr Harris, they can go on and on until they're blue in the face — no pun intended — that the people, when they voted yesterday, didn't mean what they said.

I read in the *Globe and Mail* today that Mr Leach is quoted as saying, "From all the information I've seen, everything indicates to me the majority of people still favour amalgamation." What a ridiculous comment. Surely all of you who are members of his party can only be embarrassed at the absurdity of a statement like that. We know he doesn't believe that and none of you believe that. You've all seen what's happened in the referendum. You all know what the polls say. You all know what the people say.

To say that the people don't mean what they say is in a sense a reflection of the fact that this government doesn't mean what it says and doesn't say what it means. You have to read between the lines, and you always see and you always come back to that one special interest: the business community.

Where I come from, where I was born, I've seen this happen with the London county council, the LCC, where the Conservative government under Margaret Thatcher destroyed the LCC, eliminated the LCC, because they didn't like the people who ran the London county council. I suspect there's a great deal of that involved in this government's desire to bring in Bill 103 and get rid of our present system of local government. It failed with the LCC; it will fail in Toronto as well if Bill 103 is passed.

The comfort I take from this, the silver lining I take from this, though, is that I do believe this government, if you don't back down, will never recover from the passing and enactment of Bill 103. Thank you.

The Chair: Mr Flaherty, you have about three minutes.

Mr Flaherty: Thank you for coming, Mr Lockyer.

Mr Lockyer: It's a pleasure.

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Mr Flaherty: I enjoyed listening to your views, well expressed as they are. With respect to the issue of "We know what the polls say," which you stated, I think it is worth noting that the polls in the weekend newspapers indicated — these were the professional polling outfits that go out there and talk to people — that, depending on what the question was, the answer varied. For example, if the question was, "Are you in favour of a larger city of Toronto if your property taxes do not go up?" then a majority of people were in favour of answering that question in the affirmative.

I think we have to be careful — and, in fairness, I don't want to get into a debate about polling with you, because I'm not an expert in polling, nor are you, I imagine. But I think you'll agree with me that we have to be cautious about interpreting particularly non-scientific polling because of the variables that enter into that.

Having said that, you said something else about caring for the rich, and I really do have some trouble with that, because you're implying that all our government has done since we were elected is pass legislation that favours the rich.

I debated Bill 106 in the Legislature this afternoon. When you apply Bill 106, the Fair Municipal Finance Act, to the city of Toronto, here we have rich lawyers — and I am a lawyer and so are you — in the city of Toronto living in \$1.8-million houses in Forest Hill and in Rosedale paying \$3,700 in tax; and here we have middle-class people in Scarborough living in homes that are valued at \$227,000 paying \$3,500 in tax. I don't think that's fair and I'm sure you don't either.

It seems to me that the government has an obligation to address the needs of people from all walks and socioeconomic stations of life, including people who live in Scarborough and people who live in the city of Toronto, but that it's key, particularly in the property tax area, that people pay their fair share, which they have not been doing under the antiquated property tax system in effect not only in the city of Toronto but in other cities around the province, about a third of the municipalities in the province.

Mr Lockyer: I think you've taken up my two minutes, haven't you?

The Chair: You have about 35 seconds to answer.

Mr Lockyer: About 35 seconds to respond. That's a very long question. The best way I can respond to it is this — and it's not a direct response because I don't think I have time for it — that I do not believe that we are a society that pays too much tax. Of course I agree with you that if indeed Forest Hill is not paying their fair share of tax, they most certainly should.

My view, though, is that rather than looking at a minor adjustment here of property tax and a minor adjustment there, we should look at policies such as across-the-board 15% cuts in income tax, which are not progressive tax cuts and are in fact tax cuts that can only be paid for by a reduction of services for the poor. While you may be able to point to an example here or an example there, and I've no doubt that some of the people in your caucus do have the best will and the best intent, when you look at the overall strategies of this government, it's impossible to come to any conclusion other than that this government is there primarily to represent a single special interest.

The Chair: Thank you, Mr Lockyer, for coming forward and making your presentation to the committee this evening.

SHEILA CARY-MEAGHER

The Chair: Would Sheila Cary-Meagher please come forward. Good evening and welcome to the committee.

Ms Sheila Cary-Meagher: Good evening. My name is Sheila Cary-Meagher. I identify myself as a mother because it is the most important role I have ever played. In the past, I've been an American, a trustee, a real estate agent, a wife, a daughter, a sister etc. What I wish to know first tonight is what your presenter profile identifies me as. I want to see the sheet of blue paper with my name on it, and I want to know just how far into my privacy you have intruded. May I please see it?

Mr Gilchrist: There isn't one.

Ms Cary-Meagher: Should I believe you?

Mr Gilchrist: Believe whatever you like.

Ms Cary-Meagher: I expected that answer.

Interjection.

Ms Cary-Meagher: You think I could get a double-booking? Get real.

Interjections.

The Chair: Ms Cary-Meagher has the floor, committee members. Ms Cary-Meagher, please.

Ms Cary-Meagher: The first time I saw one of these profiles, I was flabbergasted. What right had the government of Ontario to spend my tax money on having their minions browse through the files of the ministries of municipal affairs, of education and of God knows what? Have you gone into the files of the provincial police, the RCMP, the CIA? How far have you gone in your paranoid search for control of information and of people? Have you tapped our phones? What or who gives you right to intrude in this manner? What or who gives you the right to violate my, or anyone else's, constitutional right to privacy?

With Ms Kidder, one of the people on this sheet, you not only numbered her children but you named the school

they attended, you defined her job and decided what her position on Bill 104 was before she made her presentation. The same is true of Ms Wynne.

I could understand, just barely, if you had a backgrounder on the organization that was being represented by these people. You government members of this committee have been complicit in the destruction of civil rights. How much can an old broad like me threaten you? Not much, unless you frighten me, and quite frankly you are beginning to frighten me a great deal.

I have not seen so many people getting so frightened for their civil rights ever before; frightened for their democratic rights; frightened for the future of their children and their grandchildren. People in Toronto and Metro have for the most part been a little asleep, unable to figure out why things are going the way they are going and what, if anything, they can do about it.

Then you did mega-week. You put out, bright and shining, every organizer's dream. Al Leach smiling smugly and saying, "Nope." You just pissed off decent, ordinary, serious, fairminded folks, folks like me. I got up from in front of the TV and started going to meetings. I put my name in to speak to you.

Don't get me wrong: I really don't believe that what I say here tonight will make a particle of difference to you. I know you are going to try to move the shells around a little — not tomorrow, I understand — and amend the bill on the items that were throwaways to begin with. I know you are going to pass these bills. I know you really believe that we will all go back home and be asleep again. But it is too late. People are really angry, and the marches and the protests and the civil disobedience have only just begun.

I am happy to say that I believe you are all toast. Boring little people like me have the bit in their teeth and are going to pursue you until your government either backs down or falls.

On Sunday, I had the delight of hearing Mr Gilchrist say that you would only listen to those people who offered alternatives, as though it's the job of deputants to this committee to write legislation. Here's how I understand it goes: You have a concept, you write up appropriate legislation, you introduce it into the House, you have first reading, then it's sent to committee and the committee has hearings and folks like me speak to the written proposals.

Now, if you have been listening, you would by now know that the people's alternative, Mr Gilchrist, is no. More than 95% of the deputants to this committee have said no. The referendum said no. To ask us then to offer amendments to legislation that is considered too flawed to be continued with is a little like requiring the rape victim to describe how she wishes the baby to be dressed, not whether or not she wishes to be raped. No is supposed to mean no. No to Bill 84; no to Bill 103; no to Bill 104; no to Bill 105; no to Bill 106; no to Bill 107. Do you get my drift?

You are moving too fast. You are moving into areas where no one thinks you should go. You are forcing a radical ideology on this province that few, if any, approve of. You do not own the libraries, the schools, the water supply, the firefighters and the hospitals; we do; I do.

You are only custodians standing in our stead, and I will do anything short of violence to get these things back. They are the inheritance for my children and my grandchildren and those of my neighbours, and we will not allow you to get rich at their expense.

If I must sell my jewellery or my sterling or my mother's diamonds to help finance the challenge in court, then I will do it. If I must march and leaflet on street corners and picket your homes, then I will do it. If I must go to jail — frightening as that is to a person like me — then I will do it, and I am not alone.

I am an American by birth and a Canadian by choice. Naturally I was educated on the myths and history of Americans. One of the first stories taught to little American children is about the Boston Tea Party and the corresponding saying, "Taxation without representation is tyranny." A good thought it seems to me, and I feel it quite represents the situation before us now. With the merchants of Boston as an inspiration, I protest Bill 103 in the following manner.

The Chair: There are no props allowed. Thank you very much.

Mr Gilchrist: That's really ignorant.

Ms Cary-Meagher: That's rude? What are you doing?

The Chair: Thank you very much, ma'am, for your presentation.

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FRANZ HARTMANN

The Chair: Would Franz Hartmann please come forward. Thank you, Mr Hartmann. Welcome to the committee.

Mr Franz Hartmann: Good evening, Mr Chair and other members of the provincial Parliament. My name is Franz Hartmann and I am a citizen of North York.

I must say the circumstances surrounding Bill 103 are changing so rapidly it is difficult to know what to address. However, what I believe is paramount now is to understand the responsibility the members of this committee, especially the Tory members, have to the citizens of Ontario, given that the citizens who will be directly affected by Bill 103 have spoken.

First, regardless of the merits or drawbacks of this bill, one point was made abundantly clear on Monday evening: Citizens of Metro Toronto overwhelmingly voted against Bill 103. We know the referendum process was not perfect. We also know that the question could have been phrased differently. But the fact remains that Metro has never seen such a passionate debate about a political issue. The number of community meetings around the proposed changes to Metro, including downloading and changes to the education system, has been staggering. The voter turnout for the referendum was much higher than for most municipal elections. This can only mean Metro residents truly care about what is happening to their local government.

Some question exactly what people voted on in the referendum. There has been much talk in the press especially that people didn't really understand what they were voting for. I for one find these sorts of statements incredibly condescending. Citizens are not idiots. Those

who voted knew full well that they were voting for or against amalgamation. No doubt their decision was influenced by other government policies, but let there be no mistake, citizens of Metro voted overwhelmingly against Bill 103.

The critical question before this committee is how to respond to the wishes of the citizens, and I want to spend a couple of minutes reflecting on this. The most important promise each of you made when you entered political life was to uphold the fundamental contract of democracy, and I want to be clear about what this contract means, because it is one of the most important promises we make in our lives. We, the citizens of Ontario, give politicians incredible power over us. In return, we expect politicians will use this power wisely to represent our wishes.

What got many of the Tory members of this committee elected was a belief by Ontarians that Progressive Conservatives truly believed in this democratic contract. During the election, Premier Harris consistently reminded citizens that the Common Sense Revolution was based on the wishes of Ontarians. He repeatedly told Ontarians that a Tory-led government would not break any promises it made during the campaign. This includes the promise inherent in the democratic contract. In fact, the democratic contract is supposedly so important to this government that the government is now wisely introducing a bill that would allow citizens to communicate with politicians via referenda.

Yet I am greatly puzzled. How is it that a party that has spent so much time campaigning for a responsive government, one that takes seriously the democratic contract it made with citizens, is now, as government, ready to ignore this contract? Why is it, I ask the Tory members of this committee, that you and your party seem ready to break the most important promise you made with the citizens of Ontario by proceeding with Bill 103?

Some Tory members on this committee may feel that the proposed amendments Mr Leach will reportedly introduce later this month will deal with the concerns citizens expressed in their opposition to Bill 103. Therefore, you may think that you can still vote for this bill here in this committee and not break the democratic contract you entered into with Ontarians. But let me be clear about what you will be voting on: You will not be voting on Mr Leach's yet-to-be-introduced amendments that may or may not address the wishes of Metro citizens; you will be voting on a bill that citizens of Metro overwhelmingly rejected in the referendum.

Let me be blunt. This has stopped being an issue about amalgamation, saving money or downloading; this is now an issue about whether Ontario Progressive Conservatives take seriously the democratic contract they entered into with the voters of Ontario. Therefore, this committee has a moral responsibility to introduce and pass a motion that Bill 103 should not proceed. The moral authority for such an action arises out of the clear rejection of Bill 103 by Metro citizens.

In fact, such a motion would help Minister Leach. It would take him off the hook for Bill 103 and allow him to reintroduce a new bill into the House, a bill that faithfully represents the concerns raised during these

hearings and takes into account the wishes of Metro citizens.

I know full well that what is stopping Tory members of this committee from supporting such a motion is another important contract they entered into: the contract between themselves and their party. In return for a promise to vote for party policies as introduced by cabinet, Tory MPPs received support for their election campaigns during the last election. I know party discipline is an important practice, and I know the costs of breaking it, but I urge the Tory members to seriously ask what the costs will be if they vote for Bill 103, and I just want to outline some of them.

For over 15 years, our government, political party system, politicians and civil servants have come under constant fire for being unresponsive to the wishes of ordinary citizens. Ontario Tories campaigned on the promise of making government more responsive. If Tory members now ignore the wishes of Metro citizens and support Bill 103, you will be guilty of the very crime you have accused others of committing: You will be breaking the democratic contract you signed with citizens of Ontario. Let there be no mistake, if you break this contract, not only will people remember this at the next election, you will be sending a clear and dangerous message to others that democracy is a sham.

By maintaining party discipline and voting for Bill 103, you will not only be harming democracy, you will be destroying the credibility of the Ontario Progressive Conservative Party by breaking the democratic contract you made with Ontario citizens.

I would argue that a loyal member of the Ontario PCs would help their party and leadership out of a difficult situation by stopping Bill 103 right here in this committee and give the minister and Premier a chance to reflect on all that has happened and introduce a new bill into the House that upholds, not breaks, the democratic contract. By doing this, you will send a clear message out to the citizens of Ontario that Tory backbenchers take seriously the democratic contract they entered into with citizens. You, the backbenchers, will tell Ontarians that democratic integrity is the cornerstone of the Ontario PCs. You, the backbenchers, will help rescue the party from an ill-advised bill that would destroy the integrity of the Ontario PCs.

Bill 103 is about much more than amalgamation; it has become a test of whether Tory members truly believe in the democratic contract they entered into and whether they care about party integrity. Give Mr Leach a chance to rethink this whole issue. Honour your democratic contract with Metro citizens and Ontarians. Stop Bill 103 right now, right here.

I thank you for this opportunity to speak.

Mr Colle: Thank you very much for your very impassioned plea to the backbenchers. As you know, this government has been spending millions of dollars on television ads promoting the megacity. It's got its Tory alliance for amalgamation. It's got its 200,000 faxes a day. It's had its radio ads. All these things have been done and, as you know, it's been a communications PR disaster. But it looks as if they're going to go into stage 2 now. They think over the next month they're going to

be able to come back with another overwhelming propaganda machine that will make you forget you voted no. Do you think you'll be swayed by wave number 2 of Mr Leach's propaganda campaign?

Mr Hartmann: I can't speak to what will happen in the future because I don't know what it will be, but what I can speak to is the fact that Metro citizens overwhelmingly voted against Bill 103. If the members of this committee feel that the democratic contract all members of provincial Parliament entered into when they were elected is really important, they should defeat this bill right now. Whatever happens in the future, to me the most important criterion and the most important contract you will ever enter into is the contract with the voters and the electors.

Mr Colle: They're getting a mixed message, though. The Premier is telling them that no didn't mean no, and the minister is saying people still favour amalgamation," so how are you ever going to get through to these people if their leaders are not recognizing that people said no?

Mr Hartmann: I can only appeal to the Tory backbenchers to use common sense and realize what is being said. Beyond that, I can only appeal to them to listen to what's going on out there. If the message contradicts one they hear from the Premier's office and from Minister Leach, it's up to them to use their common sense and figure out what the truth is.

The Chair: Thank you, Mr Hartmann, for coming forward and making your presentation this evening.

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DAVID KRAFT

CHRIS KORWIN-KUCZYNSKI

The Chair: Would David Kraft please come forward.

Mr David Kraft: Thank you very much. I'm here with councillor Chris Korwin-Kuczynski. We're sharing this time, so I'm going to go just as quickly as I possibly can.

I'm here on behalf of the Roncesvalles-Macdonell Residents Association, of which I've been an executive member for four years. The RMRA is based in the west end of the city, ward 2, in the neighbourhood north of Queen and west of Lansdowne Avenue. I'm also here as a member of the steering committee of West Enders for Local Democracy, or WELD, an organization which was initiated by our residents' association.

The founding meeting of WELD, which was held on January 28, attracted more than 100 local residents. In the ensuing weeks, hundreds more have campaigned continuously against Bill 103, reflecting our broad-based community support and the endorsement of virtually every residents' and community group in ward 2. We have successfully canvassed more than 80% of the residents of the ward.

The Roncesvalles-Macdonell Residents' Association and West Enders for Local Democracy are opposed to Bill 103. In light of the recent referendum results, we are confident we represent the views of the overwhelming majority of ward 2 residents.

I'm sharing my time, so I want to make two points as quickly as I possibly can. First, I want to add the voice of my residents' association to the chorus of protests against the way the provincial government has introduced

Bill 103 and related legislative initiatives; the ridiculously tight time lines you have attempted to impose for public hearings and debate; the way your government and individual members have systematically ignored requests to meet and debate in public; the way your government and members have systematically failed to answer substantive objections by attempting to question the validity of the process or denigrate the protesters themselves.

Politics is politics and cheap shots are inevitable, but in the end people will not tolerate the government's high-handed approach, your refusal to actually talk about the issues. In fact, in my part of town the attitude of your government has been perhaps the thing that has bound and lent energy to the protest more than any other single initiative. From day to day it's been insult upon insult.

You may recall the Metro-wide series of meetings in which the government finally met the public. I recollect them very clearly. I was at one of them. You may also recollect that both the Star and the Globe and Mail used the word "mauling" to describe the way the populace responded to your government, right across the city in a variety of very different circumstances.

I think you have to understand that your government did the organizing. The Ontario government organized and fed that rage. You have an opportunity to correct your scandalous record on this issue. You have an opportunity to withdraw this legislation. It would be recognized as an honest gesture of respect for the democratic process, which I believe is the point the previous speaker was making.

If, on the other hand, you continue to ignore, dismiss, downplay the opposition and continue to force amalgamation on the people of Metro, then you can count on a continuing escalation of protests, which will ultimately defeat not only Bill 103, but I think your government itself.

I believe the answer to the member's question about whether the population will accept smoke and mirrors in the next round of propaganda is absolutely not. I can say honestly that our organization is ready to take this campaign right to the wall. You can be sure that we're not going anywhere until this legislation is history.

I want to finish up very quickly with a couple of points. Our neighbourhood is characterized by a series of stresses which you may be familiar with. We are recognized as an underserved community. We have a host of questions about whether Bill 103 will address that, whether that situation will get better or worse as a result.

We are also a neighbourhood which is held together by literally hundreds of volunteer activists, a network of organizations. We are wondering, if appointed volunteer committees will be imposed upon us, what will the status be of our current volunteer representatives? Above all, we're wondering about the extent to which the urban philosophy that Toronto currently expresses on issues like front yard parking, control of traffic flow, equal access to recreational services and facilities and libraries will be accommodated in the new arrangement.

I do not have time to go on, but I would like to conclude with this point: We have a host of specific issues. At no time — we pore over the newspapers

looking — has anyone in the government spoken to any of these questions. At no time has anyone expressed any actual grasp of what the fabric of the community really is, any actual grasp of how the decisions get made, the nature of our communication with our councillor.

Finally, I'm giving over the remaining time I have to our councillor on precisely that point. The residents' association, the activists in my community, the residents of the community, the PTA, all have a living relationship with our trustee and our local councillor. These are the politicians we know. These are the politicians we fight it out with in the trenches day after day, week after week. These are the only politicians we trust, not because we agree with their opinions but because we know they will show up from week to week.

On that note, I'd like to hand over the floor to Councillor Korwin-Kuczynski.

Mr Chris Korwin-Kuczynski: Thank you very much. I want to take this opportunity first of all to thank David Kraft for giving me an opportunity. It's unfortunate I was not able to get the time to make this presentation before this committee.

I'm going to start by talking about this week's referendum. My central message to you is a very simple one. On behalf of the people of Toronto, 74% of whom have voted no to the megacity, I am saying to you and to the government of Ontario, respect our vote.

When city council approved a referendum on the government's amalgamation proposal, it was not a decision reached lightly. We were extremely conscious that we would be spending a substantial amount of taxpayers' money and that some of those taxpayers have a quite cynical view of politicians, at all levels for that matter, and would think we did it only to protect our jobs. So we made that decision knowing it would hurt us in the eyes of at least some voters, but we did it because we had become aware of a widespread concern in our communities about this amalgamation proposal.

I want to stress that this citizen concern existed well before there was any announcement of proposed social service cost downloading and that city council's decision to hold a referendum was also made before the downloading announcements were made. I underline this because there is a misconception being spread about this week's No vote, that it was not really about the amalgamation proposal but about the downloading, or about the trustees, or about the school boards, or about almost anything except what it was really all about, and that is the proposed amalgamation.

Let me remind you of the wording on the ballots. It was, "Are you in favour of eliminating your local municipality and all other existing municipalities in Metropolitan Toronto and amalgamating them into a megacity?" It was not a question about downloading. It was not a question about trustees. It was not a question about anything except amalgamation. The vote was an overwhelming no.

The people of Toronto showed up in force to answer that question. Despite a voters list — prepared by the provincial government — that was seriously out of date so that almost 10% of the ballots sent out were returned to us by Canada Post as undelivered; despite other postal glitches that affected ballot distribution; despite the winter

weather which meant there was very little door knocking and few, if any, lawn signs; despite a provincially authorized mail-in vote that was a whole new way of doing things; despite all these things, 175,000 people voted. That's 38.6% of eligible voters, a higher turnout than we had for the last municipal election.

You were probably not very surprised at that massive No vote because I understand you have had a steady parade of people coming before you over the past few weeks and most of them have told you they do not like this proposed legislation and they want you to abandon Bill 103.

I certainly was not surprised at the vote. I have been walking the streets of Toronto, knocking on doors and going to meetings and answering phone calls and talking to people for weeks now. You've all done the same thing in the past. You all know there is no better way to find out what the people are really concerned about in your riding. I can tell you for a fact that people want to keep their local government. The great majority of people in Toronto don't want amalgamation. In the suburban municipalities as well, from what my colleagues there tell me, people don't want amalgamation. The message they want me to bring to you is that same simple message I started out with: Respect our vote. They are saying, "We told you no, and no means no megacity."

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The Chair: Councillor Kuczynski, you're into your last minute and I know you've got a lot of material left, so there might be something you want to emphasize in the last minute.

Mr Korwin-Kuczynski: I might as well go to the last page. You have my submission before you, and again I emphasize it is really unfortunate that I did not get the opportunity to speak to this matter.

Interjection.

Mr Korwin-Kuczynski: I hope this is not being taken away from me, the time.

The Chair: Go ahead.

Mr Korwin-Kuczynski: Am I getting a couple more minutes or —

The Chair: You had about a minute left when I told you. I'll give you a minute and a half since we threw you off.

Mr Korwin-Kuczynski: I'm just going to keep going then. It's a good thing the provincial government is planning some changes to the downloading proposals, because they were seriously flawed and needed to be changed.

It's a good thing also that plans have been put forward to change the powers of the trustees, because that part of Bill 103 was seriously undemocratic and upset a lot of people in the community.

I'm just trying to go down this list to try to find out what I could say here.

The final thing I want to say about the referendum is that this massive No vote came from a city where the provincial government was airing television commercials telling people how much common sense lay behind its proposed actions, and in a city where all three daily newspapers were calling more or less actively for a Yes vote. We hear a great deal these days about how influen-

tial the media are in shaping public opinion, yet here we have a case where a public has massively rejected what both government and media have urged it to do. Surely this, if nothing else, tells you it is only common sense to respect the vote.

So where should the government go from here? Throughout these hearings my colleagues from Toronto city council have been here before your committee. They have asked you to slow down and get it right. They have talked about the potential for chaos and uncertainty which could place Toronto's economy at risk. They have said that the province has no sensible answer to the basic question, "Why are you doing this?" They have challenged the government to produce the cost-benefit studies, the expert opinions and the well-researched policy papers that would justify amalgamation.

What has changed over the course of these hearings? There are still no studies or cost justifications, and city council believes that the economic risk from amalgamation is as great as it ever was. The big change is that the people of Metropolitan Toronto have now told us quite clearly that they share those concerns, that they, like city council, want the province to slow down and get it right. We must build on the excellent studies we have, the Golden and Crombie studies, and we must find ways to implement these major recommendations.

This week, Toronto city council followed up that suggestion with a constructive response to the recent discussion paper by Milt Farrow on the proposed Greater Toronto Services Board. I remind you that the GTSB idea was endorsed by both the Golden and Crombie studies, and I remind you that many of the deputants before your committee have talked about this very same thing. Your own staff have summarized what no less than 38 deputants told you. They have said, "The real need is for a coordinating structure for the GTA involving transportation, water and sewage services, development and planning, not for amalgamation as proposed by Bill 103."

City council believes, and I believe, that if you first adjust the proposed downloads to make them fair to everyone, and if you then decide to go ahead with establishing the GTSB to coordinate key regional services for the greater Toronto area, then you will look at the question of how best to deliver local government in a very different light. This is especially true if you accept the commonsense principle that each government service should be delivered by the lowest level of government that has the ability to do so effectively.

If these last few weeks have taught us anything, they've taught us that a great many people are passionately attached to their local governments. By preserving and strengthening local municipal governments, you will avoid the kind of mega-bureaucracy that would be inevitable in an amalgamated Toronto, and bring about real long-term savings for the taxpayers.

Take a look at the report and think about what city council is asking of you, that you withdraw Bill 103 and rethink local governance in the GTA region in the context of your plans for the GTSB. We think this strategy offers you another way of achieving the savings and the simplified government you are committed to, but it offers you a way to get there by working with the people of Toronto rather than against them.

You've all been working very hard on this committee, and on behalf of the people of Toronto I thank you for the personal sacrifices you have made to hear them. Democracy is an exhausting business when it is done right.

Now you have your March break coming up, and you've made the very sensible decision to hold off on proposing what to do about Bill 103 for a few weeks. I'd ask you all to make careful use of those weeks. Take some time out, away from all the busyness, to reflect on what's really happening here and what is genuinely best for the people of Toronto and the people of Ontario. Thank you for listening to me and to all of us. Please respect what we've told you.

The Chair: Thank you very much, both of you, for coming forward and making your presentations this evening.

EVELYN RUPPERT

The Chair: Evelyn Ruppert is next. Good evening and welcome to the committee.

Ms Evelyn Ruppert: It is not lost on me that possibly these are the last words from a citizen to the formal public process on Bill 103.

I would first like to provide some background on myself. I have worked on municipal policy issues as a professional urban planner for three years and as a senior policy adviser at the Association of Municipalities of Ontario for five years. I left the association in 1995 to focus on my skills as a researcher and writer on cities, but after leaving I was invited and then accepted an invitation to work as a consultant to the Constituent Assembly, 23 citizens in Hamilton-Wentworth who were appointed to advise on the structure of government in their community. I worked with the assembly from 1995 to 1996 as their facilitator, researcher and writer.

I'd first like to reflect on the political context in Metro Toronto, which has changed dramatically during the last few days. The decisions the government makes in the coming weeks will perhaps be its most significant to date. All citizens, for and against the bill, will be watching very closely and listening to every word, watching every action of the government for indications of its intent.

The dramatic change in context I am talking about, of course, is the referendum results. The overwhelming No vote exceeded everyone's expectations. To the surprise of many, the strongest No votes came from the suburban municipalities and the strength of the No vote was relatively consistent across the region. It was a legitimate expression of public opinion. Not only have the results radically changed the context, but also the process and public debate that went on before and after the vote have heightened the politics of Bill 103.

This verdict of the citizens is what I want to take as my starting point this evening. I do not think there is any use in repeating the arguments that preceded the referendum concerning the bill. There is no use in continuing to argue about what was recommended in the past, by whom, what the government promised versus what it is doing now, about the problems with the provincial process to date versus that of the municipalities etc.

Everyone has their selective fictions on all of these matters. I also want to resist the temptation to get involved in the interpretation wars on the referendum results. The vote was no and regardless of what the pollsters, spin doctors and pundits have to say, no does mean no.

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The current context in Metro Toronto is one of a highly politicized citizenry and a surging civic awareness. We are working under new rules now and it is not possible to turn the clock back. In this environment, the government is politically obligated to respond to the overwhelming referenda results and the input from these committee hearings, the government's own town hall meetings, the numerous community meetings and the huge public demonstrations.

I think four principles have emerged from all these forums.

The first is that municipal reform in greater Toronto is needed. We need a process, not a decision-making vacuum or the status quo.

Second, citizens have numerous concerns beyond megacity as a result of the government's introduction of massive changes to municipal structure and finance at the same time. The government needs to disentangle its decision-making and allow for a logical sequence of decision-making. The resolution of provincial-municipal finance questions and decisions on the GTA-level co-ordinating body are the necessary steps that must precede a final decision on local municipal structure.

Third, a delay in the municipal elections of up to one year is required regardless of the course of action the government chooses for proceeding. This is needed to develop a detailed transition plan that allows for adequate public involvement, time to evaluate financial and servicing options and impacts, as well as ensure sufficient time to properly operate municipal elections.

Last, if the government proceeds without altering its course and speed of reform, it will only dig itself into a deeper hole and will face an even more furious and agitated citizenry and a more difficult decision in the future.

In my view, with these principles in mind, the government has four possible courses of action.

The first I call "tinker with clauses." The government could remain steadfast on amalgamation but demonstrate that it is conciliatory and responsive by introducing minor amendments tomorrow during the committee's clause-by-clause review and possibly a few others at the committee of the whole in April. Some of the possible changes could be: reducing the powers of the trustees; restricting the powers of the transition team; protecting the disposition of reserve funds.

These contain several risks. It will not demonstrate that the government is listening. Monday's vote is a call for more than tinkering with Bill 103. Second, this would not address the public relations disaster surrounding the issue of referenda arising from the fact that it is the government that has legitimized referenda and allowed for the new polling techniques used by municipalities. Third, the political environment has vastly changed since the introduction of the bill. Earlier on, these types of amend-

ments might have been acceptable, but now, after the referenda and all the political activity of the past months, minor changes will not be acceptable.

Today it was announced that the cities of Toronto and Etobicoke have mounted a legal challenge against Bill 103. As has been presented to you before, this action is likely the beginning of a number of challenges that will be mounted in the coming weeks should the government proceed with this option rather than with substantive and real changes. This course of action will not succeed.

The second course of action is one I call major revisions to the transition process. The government could again remain steadfast on amalgamation but make major amendments. It could spend the next three weeks developing these amendments in consultation with major stakeholders. The provincial-municipal finance negotiations and fundamental changes to downloading could be completed. The recommendations of the special adviser on the GTA could be tabled. Then the major amendments to the bill could be introduced to the committee of the whole in April for a one-hour session and third reading could be achieved.

Some of the possible changes: more radical changes, such as the elimination of the trustees. Another could be that the transition team's composition could be changed to include elected representatives, for example, the six mayors, the Metro chair and perhaps one Metro MPP from each of the provincial parties, forming a provincial-municipal committee, assisted by a staff team. Third, the community councils could be built into the bill as a means of responding to the concerns of protecting neighbourhoods and legislating local decision-making. This could allow for some flexibility regarding their composition and powers, which could be left to the transition team's consultations.

However, this also contains many risks. First, as you have heard before me, citizens would see they are still being locked out of a process they've never had a chance to be a part of yet. All the changes and negotiations would happen behind closed doors. Citizens would see this as a show of defiance against their vote. More problematic, though, is that this would be seen as a stalling tactic and as a strategy to defuse the mounting protest. It would mean ramming through changes in one hour of the legislative session in April, changes that citizens and anyone else would not have time to consider and discuss. By doing this, the government would repeat the errors of mega-week and citizens would accuse the legislators of having again excluded them. This course of action will not succeed.

A third possible course of action I will call transition legislation. It is based on the fact, as has again been presented to you, that Bill 103 is much less about the incorporation of a new city — since most issues are to be left to the transition team and later legislation — but more about the dissolution of the existing municipal system in Metro Toronto. Furthermore, Bill 103 is less about amalgamation and more about a transition process to a new municipal system.

The government could introduce amendments to make the bill truly a piece of transition legislation as opposed to a hybrid status. The government could propose deleting all the part I clauses concerning amalgamation. The

clauses concerning dissolution of the existing municipalities could be retained and the effective date of dissolution changed to January 1, 1999.

It is clear that regardless of the new local structure, the responsibilities, financing, ward boundaries and elected representation of local government in Metro will change in response to the creation of the GTSB and disentanglement. Under certain local structure options, it may mean few changes to existing acts, but in all cases some changes.

Excepting Metro Toronto, the section could be amended to specify that new legislation replacing the six acts for the local municipalities would be introduced in January 1998 and proclaimed in April 1998. This leaves the option open for one city, four cities, six cities or some other model. This is essentially what has been provided for in the municipalities in the regions surrounding Metro, but with legislated time limits and process in place.

The transition team's composition could be changed like that suggested under the previous option: to the six mayors, Metro chair and Metro MPPs. The bill could specify that they should undertake consultation with citizens in a manner they see fit and produce a white paper on options that make sense within the GTSB structure and with the new fiscal responsibilities. They could be mandated to recommend new legislation by December 1997.

This course of action would ensure that change happens and it would not represent a withdrawal of the need for change. It would give the government the time to get it right, though, and provide a productive way to resolve concerns of constituents as well as involving them.

But there are risks. This could create a crisis of uncertainty concerning what will be the local government structure in Metro. A legislated deadline for the dissolution of the existing municipal system may work against finding the best solution. Second, full amalgamation may be impossible to consider as an option, given the great anger and criticism have developed. On the other hand, this would provide an opportunity to develop other options with the input of citizens and test these against the full amalgamation option to see if it indeed is the best. This would also represent a major reworking of the bill and may indeed constitute a new bill. I think this course of action will fail.

The Chair: Ms Ruppert, I apologize for interrupting you. You have about 35 seconds or so left.

Ms Ruppert: The last course of action is to let Bill 103 die. Instead of withdrawing the legislation, the government could pause and postpone a final decision. It could let the bill die on the order paper and thereby allow for its reintroduction later. The government could announce that it intends to reintroduce the bill, should no other locally produced and locally agreed-upon alternative be presented.

This would put the ball squarely back in the municipalities' court, the same situation that is in place in the regions surrounding Metro. The government could mandate the creation of a provincial-municipal committee, much like that proposed in the other courses of action, to work out alternative options.

In closing, I would like to say that I believe there will be life after the death of 103. Let Bill 103 die on the order paper and let this be the obituary, the last words on Bill 103.

The Chair: Thank you very much, Ms Ruppert, for coming forward and making your presentation this evening.

SUBCOMMITTEE REPORTS

The Chair: Committee, we still have one more deputation to hear, but before we do that I'm going to read two subcommittee reports on Bills 108 and 109, which have been approved by members of the subcommittee from the government caucus — I was at both meetings — Mr Marchese, Mr Silipo and —

Mr Marchese: Can't you do them at the end, Mr Chair?

The Chair: No. I want to get them done. I'll read them into the record quickly. The first one is the report of the subcommittee on the standing committee on general government.

"Your subcommittee met on March 4, 1997, and recommends that:

"(1) The committee consider Bill 108, the Streamlining of Administration of Provincial Offences Act, 1997, on Thursday, April 3, 1997, and Thursday, April 24, 1997.

"(2) The Attorney General will be invited to appear for 30 minutes before the committee at 10 am on April 3 to make a 15-minute statement. Each caucus will then have 5 minutes for questions of the minister.

"(3) Public hearings on the bill will commence following the appearance of the minister on April 3 at 10:30 am until 12 pm and then from 3:30 pm until 6 pm; and continue on April 24 from 10 am until 12 pm.

"(4) Clause-by-clause consideration of the bill will commence at 3:30 pm on April 24, 1997. Amendments to the bill are to be submitted to the clerk of the committee by 12 pm on April 24, 1997.

"(5) The deadline for individuals/organizations to provide their names for consideration to make an oral presentation before the committee is March 24, 1997. Following this date, the subcommittee will meet again to determine which witnesses will be invited to appear before the committee and the length of the time slots.

"(6) The clerk is authorized to prepare a notice of the hearings which is to be placed on the Ontario Parliamentary Network. The deadline for written submissions is April 23, 1997.

"(7) A summary of recommendations of the submissions is not required."

Questions on the motion?

Mr Marchese: I move adoption.

Mr John Gerretsen (Kingston and The Islands): I'm just curious about why this report is marked "Confidential," since you've read it into the record. Is there a reason for that? You're the Chair and you should know about these things. You've just leaked a confidential document.

The Chair: It's not confidential because we've read it in the committee. We still have a deputation to hear from, Mr Gerretsen. I'd appreciate it if you would —

The motion has been put. All those in favour? Carried.

I guess we don't have to read the second report since everyone has a copy.

Mr Marchese: I move adoption.

The Chair: Mr Marchese moves adoption of the second committee report. All those in favour? Carried.

Thank you very much, committee. Ms Bryce, there you go. We can get to work on both of those.

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SHANNON THOMPSON

The Chair: Would Shannon Thompson please come forward Good evening. I apologize for the delay. You have 10 minutes to make a presentation.

Mr Sergio on a point of order or privilege?

Mr Sergio: Is Ms Thompson the last presenter?

The Chair: Yes, she is.

Mr Sergio: Maybe you should say something special. She's the last one to present to this particular committee on Bill 103.

The Chair: Good luck. I apologize for the delay. Go ahead, ma'am.

Ms Shannon Thompson: Wow, what pressure. I got called only yesterday, so I don't have fancy notes. I'm very glad the last deputant did such a thorough job. I was entirely impressed, because I'm not going to say anything nearly that thoughtful.

First of all, on a personal note, if I hit any sour notes, I have a splitting headache tonight which I blame entirely on Bill 103, but I'll try not to be too cranky.

I am going to live in the past a little because this has really been my only opportunity to do any venting at what's happened. I would like to talk about three things: (1) how we should interpret the results, (2) what we should do next and (3) what we should not do next.

First, I want to say that the issue of whether voters understood the question is an important one. Al Leach was quoted in the paper today as saying, "I feel quite confident that if the question and the issue had been solely around a single item, 'Is a single city better for the people of Metropolitan Toronto?' the answer would have been yes." This is my second piece of evidence that Al Leach did not get the right ballot — I'm sure of this — because he was also quoted in the paper saying he got no literature inside his ballot. If he lives in the city of Toronto, that is patently not true — if he got the same ballot that the rest of us did, that is.

The second thing that is very clear is that the ballot did have a single question on it that was explicitly about the megacity. There was no mention of downloading, there were no taxes, there was no "MVA, The Sequel." Nothing else was mentioned on the ballot, solely the megacity. So I'm not quite sure what the confusion is.

I for one understood exactly what I was voting for. While I have some concerns about downloading and some of the other parts of the package, as they call it, let me assure you that I voted specifically because I'm concerned about a megacity of the size and style being proposed. I have had experiences even trying to deal with Metro, our regional government, where I'd be working with some citizens in Scarborough around a local issue and I'd say, "Come on down to the Metro transportation

committee," and nobody was willing to make the 25-kilometre trip from the boundary of Scarborough to do it. That's not to say that in itself is an overwhelming argument, but there is an accessibility problem and size does matter.

That was what I was voting on, but you don't have to believe me. Environics asked people who said they were going to vote one way or the other in the referendum why they were voting. This was a February poll, close to the time of the referendum. Unlike some of the polls the Star commissioned, it actually hit close to what the actual results were. Let me read for you in order what the reasons were for people who were opposing amalgamation:

- (1) The current system works well.
- (2) Amalgamation won't save money.
- (3) Service will decline.
- (4) It's being done too fast, with no consultation.
- (5) Property taxes will go up.
- (6) Megacity will be too big/unmanageable.

The respondents were not asked to choose from a list of options. These were first responses to the question, "What are the main reasons you would vote that way?"

It's very important that if you continue in the way you are planning to that you at least not insult the people of Toronto by suggesting we didn't understand that this was a question about the megacity. I did, and I talked to a lot of my neighbours who did, long-time Progressive Conservative Party members who thought small-c conservatism meant small government and who have been very involved in their local neighbourhoods to get traffic calming and prevent trees they really care about from being knocked down, or whatever it was. These are people who have invested a lot in their downtown communities, be they Forest Hill, Rosedale, the Annex or what have you. They're Conservative supporters and they were concerned about the megacity, not all entangled with the other issues, although I think there's widespread concern about those too. They understood the issue of the megacity. As you've heard, with the deputants you've had here, people are very articulate and very well informed about how municipal government works. I really suggest that the results be interpreted that the question was understood.

The second thing I'd like to say about the results is that in my short life, it's one of the most stunning things I've ever seen. Here you had that percentage of people voting no on something when you had two householders delivered by the provincial government, television and radio spots paid for, all three papers editorializing on your side. On the other side, you had people passing the hat at meetings in order to photocopy a newsletter in black and white, of which only 50,000 copies were distributed — I'm talking about Citizens for Local Democracy; you had people going door to door talking to their neighbours, people volunteering their time on the phone. With that difference, you got this result.

And that's not to mention that you had a turnout better than or equal to most municipal elections, without a mayoralty race, without any parties spending a whole bunch of money on candidates and the months and months of lead-up time they would be canvassing in and all that kind of stuff. You had as good or better a turnout.

This is stunning, it really is. I'm surprised. I mean, I'm pleased, and I still didn't think it would turn out that well. I really think that to try and belittle the result as part of your strategy now is a grave mistake.

In terms of what we should do next, I have not dissected the bill and done the very intelligent thing that the speaker before me did, but let me say that I think we should start again with our definition of the problem. What is the problem we're trying to solve here with all this effort, with everybody losing a lot of time on things we'd all rather be working on? Why are we doing this? The three reasons that have been suggested, that I've heard anyway, are that there are too many politicians, that we need to save money, and there's all this duplication.

I understand that you are between a rock and a hard place. As Steve has been saying around town, "We're damned if we do and damned if we don't." I think you really are in that position and it's not a position I envy. However, I think if you come back to these three reasons, my understanding of the motivation for doing this, we'll see that they really don't warrant this kind of upheaval.

In the case of too many politicians, I already feel sometimes underrepresented in terms of the amount of time my local politician has to spend on local issues. You've heard a million times about Toronto versus North Bay, so I won't bore you with that. I think the widespread disrespect that has been heaped upon politicians in this process can only hurt you. That is part of what is happening out there right now: People don't trust anybody. That hurts you as much as it hurts the municipal politicians or anybody else. In my opinion, there are winners and duds in all three political parties and we all want to increase the quality of our politicians. However, I really don't think throwing politicians into widespread disrepute as cheats and cads is very helpful to you.

Second, about saving money, I have been very convinced by the data out of the States and out of Halifax and everywhere else about the unlikelihood of saving money. I think you've heard a lot about that, so I'll just say that.

My biggest beef tonight is for duplication. This drives me around the bend, the way this has been presented, as though they were all trying to do the same thing for the same people. I suggest that we have banks in this city that all have branches on kitty-corners. Do they say they're duplicating each other? No, they're providing the same service to different customers. If I want to build a house in Toronto, I do not need to deal with six planning departments; I need to deal with the planning department of the city of Toronto. If I live in Scarborough, I need to deal with the Scarborough planning department. Although I understand that the boundaries are artificial in the sense that they're political boundaries and not natural boundaries or anything else, what they do is divide the Metro area up into manageable sizes.

The Chair: You're into your last minute; I just want to let you know.

Ms Thompson: I don't think Ottawa having its own local council and Montreal having its own local council

is duplication, nor do I think these cities having their own local councils and their own parks departments is duplication. When we all make dinner at our own homes, even though we're all using a stove and we all have a pot and we're all using a can of kidney beans, I don't think that's duplication. Well, it is duplication, but I think we do it for a reason: because it's convenient for us. I really find that argument insulting, as though merging six fire departments gives you a fire department a sixth the size. That's not how it works. You have to cover six times the area; it's the same size.

What we should not do next: I really think we should now plow ahead with this. Tory supporters like my father voted no against this legislation purely because of the arrogance that's been displayed. You have to show some willingness to listen or you've really done yourself in, in a much more serious way than Bill 103.

Second, I don't think we should tinker with the bill. I'm particularly concerned about the notion of imposing a tax freeze on the council for the first year in order to comfort voters about that. That really ties their hands and would be a terrible mistake.

Last, I really implore you — we all know from politics that we can disagree about exactly what to do and we can forgive each other. But when you insult people, when you make them really angry by suggesting that they didn't know what they were voting for or that the vote didn't really count, when you insult people you make political enemies. That kind of slap in the face is much more memorable to people than just having disagreed over an issue.

I really implore you to withdraw the bill and start a process, as was much more intelligently recommended, to do some needed reform at the municipal level, but not in this way or with this process.

The Chair: Thank you, Ms Thompson. We appreciate you coming forward and making your presentation tonight.

Mr Sergio: Given the occasion, Mr Chair —

The Chair: A point of —

Mr Sergio: Privilege, whatever. I would like to thank you, first of all, for chairing the committee for the last five weeks.

Mr Marchese: That's privilege.

Mr Sergio: Of course.

The Chair: How can I interrupt?

Mr Sergio: You've been extremely good; the committee has been extremely good. I wish to congratulate all the presenters on both sides that we have had for the last five weeks. I think they were all excellent in their own ways. Above all, I'd like to say thank you to all the people who on a daily basis were here listening to other people, listening to us, and never got tired of hearing the same thing over and over again. I thank you very much.

The Chair: I too will thank my committee and my audience, but I've got one day to get through yet. I'll wait till we get through that. Thank you everyone. We're recessed until tomorrow morning at 9 am.

The committee adjourned at 2105.

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Jeudi 6 mars 1997

Standing committee on general government

City of Toronto Act, 1996

Comité permanent des affaires gouvernementales

Loi de 1996 sur la cité de Toronto



Chair: Bart Maves
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Thursday 6 March 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Jeudi 6 mars 1997

The committee met at 0903 in room 151.

CITY OF TORONTO ACT, 1996

LOI DE 1996 SUR LA CITÉ DE TORONTO

Consideration of Bill 103, An Act to replace the seven existing municipal governments of Metropolitan Toronto by incorporating a new municipality to be known as the City of Toronto / Projet de loi 103, Loi visant à remplacer les sept administrations municipales existantes de la communauté urbaine de Toronto en constituant une nouvelle municipalité appelée la cité de Toronto.

The Chair (Mr Bart Maves): Good morning, ladies and gentlemen. This morning the standing committee on general government will meet for clause-by-clause consideration from 9 to noon and, if need be, from 3:30 until completion of clause-by-clause.

Mr Sergio, on a point of order?

Mr Mario Sergio (Yorkview): Or whatever, just on the bill itself, Mr Chairman. Can you please advise me when it's appropriate to make a motion? I wish to place a motion in front of the committee.

The Chair: If it's a motion on a section of the bill, it's appropriate to do that when we are in debate.

Mr Sergio: My motion is on the entire bill.

The Chair: We'll get to that point. My first question this morning, in order to start discussion on the bill: Are there any questions or comments, and if so, to what sections? Committee members, we can go section by section, or if there are specific sections you want to speak to, we could do that, or if you want to speak to it and then we can take the vote. There are no amendments on the entire bill at once.

Mr Sergio: As I indicated, I'm looking for direction from the Chair as to when it's appropriate to make a motion on the entire bill, not on any particular clause.

The Chair: You can move the motion now, Mr Sergio.

Mr Sergio: My motion is very simple, Mr Chairman: that the bill be withdrawn.

Interjection.

Mr Sergio: You can vote against it. Perhaps you would reconsider such an action, but you may vote against it. It's very plain; it's very simple.

The Chair: The motion is out of order. This committee has no power to withdraw the bill because we have to report the bill back to the House.

Mr Sergio: Then I will change my motion: that the bill not be approved. We have, I believe, that prerogative.

The Chair: That type of motion would come at the end of clause-by-clause, when we get to —

Mr Sergio: Before a vote?

The Chair: It's more appropriate when I ask, "Shall I report the bill to the House?" which would be the last question if we went through clause-by-clause, and then you would probably make a motion that the bill not be reported to the House.

Mr Tony Silipo (Dovercourt): On a point of order, Chair: Clearly the committee is charged with, as you correctly said, going through clause-by-clause, but if the committee were of a mind to recommend to the Legislative Assembly, which is the body to which we are reporting, that in light of the work we have done and in light of what we have heard it's our recommendation that the bill should be withdrawn, wouldn't that be something we should do at the beginning rather than at the end of the process?

The Chair: You can make that recommendation, but we still have to do clause-by-clause. Clause-by-clause could be simple. We can say, "Shall section 1 through section 31 carry?" "Yes." And then we get to the questions of: "Shall the schedule carry?" "Shall the title carry?" "Shall the bill carry?" "Shall I report the bill to the House?" If the committee decides, no, it shouldn't report the bill to the House, we can —

Mr Silipo: So not reporting it to the House is the way in which we would be recommending to the House that we not proceed?

The Chair: I believe so, yes, and that would be after we've completed clause-by-clause. Okay? We'll put that motion off until we get through the clause-by-clause and then we'll entertain that motion.

Mr Sergio: At the appropriate moment, I will reintroduce it.

The Chair: Okay. Are there any questions or comments, and if so, to what sections?

Mr Silipo: I have, first of all, a couple of general questions and then I have questions on particular parts of the bill.

This is a somewhat unusual situation we find ourselves in, having a bill in front of us for clause-by-clause without one government amendment. I say that because even last night, I believe, the parliamentary assistant reminded us, in asking a question of one of the deputants, that it's very unusual for there to be a situation where there are no government amendments to a bill.

I want to pick up on that and ask the parliamentary assistant why, in light of what we've heard, do we not have any amendments? More particularly, why do I get the sense that the game plan the government has this morning is to finish this process in about two and a half minutes? I wonder if the parliamentary assistant would like to answer. Then I have a couple more questions.

Mr Steve Gilchrist (Scarborough East): I'd be pleased to, Mr Silipo. We've been saying this week, since the plebiscite vote was held on Monday night, that as we have been asked by Mayor Hall and by many other people to take our time to consider what we've heard from the almost 600 presentations that were made before us in this committee and what we've heard at the town hall meetings and what we've heard face to face and via phone calls and letters from our constituents — we've been asked to consider any number of very specific suggestions that have been made about the bill.

Over and above that, there's no doubt that many people expressed concerns about other legislative initiatives that are not, strictly speaking, part of this bill. They're not even related, except in the sense that they are on the legislative calendar. Over the next three to four weeks, until the bill comes back for committee of the whole House for third reading, we'll take that time to consider those suggestions, consider the specific amendments that some people have proposed.

0910

I found it very interesting that the last presentation scheduled for all these hearings, Ms Ruppert, scheduled for 8:45 last night, contained some of the most thoughtful and most detailed suggestions. I think that highlights precisely the need for us to give all our members a chance to benefit from what Ms Ruppert and others said on the last day of hearings. Of course Hansard won't be printed for a couple of days, so the members who weren't privileged to sit in the committee, I would think of all three parties, have not been afforded the ability yet to read the last few days' worth of submissions made to this committee.

Having reflected on all those submissions and having considered the other issues, such as the disentanglement exercise, over the next three weeks we'll have the opportunity to craft not only even more amendments than we've already considered for this bill but also to resolve a number of the other outstanding issues that caused concern to people.

By still giving lots of notice to the two opposition parties — we certainly do not have any intention of springing the amendments at the last minute. I don't know the exact date, but I will give you an undertaking that you'll have plenty of lead time to consider it and to respond and, quite frankly, to craft your own amendments, if you don't like the wording we've chosen, to change any particular section of the bill.

Really, that's the reason we didn't want to rush forward, and we didn't want to do it in a piecemeal fashion either. There's no doubt that if we had brought forward some amendments this morning, we would have been accused of just tinkering and doing window dressing.

Some of the most substantive issues we need another couple of weeks to consider. That's precisely why the House leader included the ability to have further debate and further opportunities to introduce amendments in committee of the whole House. As Mr Silipo knows, normally you would offer one or the other: either committee hearings or committee of the whole House, which is in effect an opportunity to have hearings in the Legislature itself. By having both, we've built in that extra opportunity.

I look forward to his response to the amendments when we send them to him over the next few days and weeks, and then I look forward to debating all the amendments as a package when we come back to committee of the whole House.

Mr Silipo: First of all, I appreciate that response. I'm not one who likes to preach, but I would say to the parliamentary assistant that it would have been more respectful of the process of this committee and indeed of the process of this Parliament for that kind of statement to have been made somewhere in the course of the proceedings, without waiting for a question from an opposition member.

If the government isn't prepared to table amendments now or if the government isn't prepared to withdraw the bill at this point, which is what it should do, I actually think it's wiser for them to take some time and give this some more thought than to simply proceed with a couple of minor amendments. As I've been saying all along, this is not, in my view, a bill that's amendable at the end of the day.

I hope the time will be used by the government to look at not what minor amendments, or even what major amendments, you can make to this bill, but to think seriously about the message that voters in the referendum and people who have appeared in front of this committee have given this committee and this government in a very clear way: that the amalgamation of the six municipalities in Metropolitan Toronto is wrong, that you shouldn't proceed with it, and that you should look instead at what the alternatives are.

It's very true that people have also expressed very clear concerns about any number of other issues which the government itself, in putting forward this piece of legislation, has linked inextricably to it; that is, the downloading of social services and other services on to the property tax base, and the similar venture it's on through Bill 104 in terms of creating incredibly huge school boards. I note that in Metropolitan Toronto the new school board that would be created would have over 500 schools and 300,000 students, would become unmanageable as a governance structure and would tremendously diminish the right that parents and other citizens would have to have any input into the continuing improvement of our schools.

Similarly, the provisions of Bill 103 diminish greatly the effect that local citizens can have on their elected council. When you have one council responsible for 2.3 million or 2.4 million people, you hardly can call that a local municipality.

The sad part is that there are clearly other ways to do this. There are other sensible alternatives. One of those sensible alternatives we believe we've put forward as the New Democratic Party caucus in suggesting to the government that there is indeed a way out of the corner they've painted themselves into. There is a way, but that way has to start, first and foremost, by the government withdrawing the bill. You can find your own words for doing that: You can set it aside, you can send it somewhere, you can call it whatever you want, but at the end of the day you don't proceed with the bill. That's the essence and that's the very first step.

Second, we're suggesting that you need to have a real process put together that involves people. We've called it a citizens' assembly and my Liberal colleagues have, in a similar measure, called it a civic assembly. It doesn't really matter what we call it; what matters most is what we are suggesting it do. What we're suggesting it do is that it become the vehicle through which there should be ample and useful and real discussions about what should happen. Those discussions can be based and should be based, in our view, on a couple of fundamental principles.

First is the notion and the understanding that we all agree there should be some changes made to the way in which the greater Toronto area is governed into the foreseeable future, that the way in which the two levels of government that exist now at the local level function and the way in which they deliver those services need to be looked at.

Within that, the reality today is that the region is no longer limited to Metropolitan Toronto or to Peel region or to York region or to Durham region. The region is one region, and therefore we should look at the integration of services, particularly services like transportation, economic development, urban sprawl.

Second, then, we should look at how to evolve the governance structure from the present five regional councils into, as I would argue, eventually one regional council that will reflect that the new region is one region and therefore needs to be governed as one region.

Mr Morley Kells (Etobicoke-Lakeshore): That's the NDP position, is it?

Mr Silipo: Yes, we've put that out in writing, Mr Kells. It's out there for you to look at and reflect on and respond to.

We have said that the second thing that civic assembly or citizens' assembly should look at is how to strengthen local government. We're not suggesting that the status quo is necessarily what should remain in terms of the number of municipalities. But you can make the argument just as strongly, I would argue even more strongly, that if you believe reducing municipalities at the local level is important and is somehow going to deliver better service for people, you can't just look at that within the boundaries of Metropolitan Toronto. If you look just to the north, as just one example, you have more municipalities with even less of a rationale as to why you have to have so many municipalities, if you want to apply the same logic.

I think there are good reasons why you should have any number of small and larger local municipalities, because they reflect the history and the evolution of communities throughout the province, in this case throughout the GTA.

We would say that what you need at the end of the day are strong local communities, local in the sense that they are small enough to be able to respond to the needs locally, but also set up in a way that it's very clear to people who is responsible, the local municipality or the regional level of that local government, for what services, so that there is no duplication. We agree very strongly that this needs to be sorted out and that there is some duplication.

0920

It's interesting that all of the studies, including the government's own study, the KPMG study, found that the greatest savings that could come about would not come about as a result of amalgamation, they would not come about as a result of the act of putting together those councils; they would come about as a result of resolving the duplication that exists.

Mr Kells: You're in favour of a mega-megacity.

Mr Silipo: Let me clarify again for my colleague Mr Kells that we're not talking about a mega-megacity; we're talking about local municipalities continuing to exist and we are talking about a new regional structure, not a local government, that reflects what the new region is.

Interjections.

The Chair: Order, please. Ladies and gentlemen, we're just basically in some opening comments, and Mr Silipo's in his. Some others may want to do a similar thing before we get into specific section by section. I would like to keep the back and forth confined to the section by section. Mr Kells, if you're interested in getting on the list to make your own speech, that's fine, I can put you down.

Mr Rosario Marchese (Fort York): Yes, get on the list, Morley. Please. I want to hear from you.

The Chair: Until then, Mr Silipo has the floor.

Mr Silipo: I would be very happy to hear what Mr Kells has to say and I will listen attentively if he wants to speak to this. I mean that sincerely.

Chair, you may look at these as opening comments. They are in effect a serious proposal to the government as to how it can deal with the problem that it's created, how it can get out of this corner that it's painted itself in, how you can put this bill aside, withdraw it, put whatever words you want to that action, but get rid of it and bring forward instead a process and a way that gets us to dealing with what the real problems are.

To conclude my point on that, we have made a suggestion as to how that could be done through the citizens' assembly, a process that would involve citizens and politicians from the provincial level as well as the local level. But we aren't putting forward a position that says, "Don't do anything for the next three years." That's why we have also said that what should happen to ensure that the process of change continues, that the process of discussion continues but also is done in a way that actually results in some decisions and some actions — we therefore put forward the proposition that the way to do that is to delay the municipal elections in the GTA for one year. That would give us the time frame, that would give us the window of opportunity within which the process of discussion can both continue and be real and be given the time to develop. But at the same time it gives the government a way to say that some change would come out at the end of that process, that it's not a delay into the future.

I'm interested in hearing what members of the committee have to say about that, and I appreciate the dilemma the government members are in. I appreciate they may not have firm positions on this yet, that this is something they may want to think about over the next couple of

weeks, as Mr Gilchrist suggested, as people in the government are looking at and thinking about this.

I don't know where my Liberal colleagues are on this, because my sense is that some of them are supportive, but I was a bit distraught, I have to tell you, at the fact that the Liberal leader seemed to dismiss outright the notion of the delay of one year of the municipal elections. But that's fine. It may be that we have a difference of opinion on that, and that too is part of the democratic process.

I just want to stress that we have put forward that proposal as a serious alternative to the way in which the government seems to us at this point to want to proceed with Bill 103. We think it's a real and doable proposal. It's also a way that gives the government a way out. I hope very sincerely that in the remaining couple of weeks the government members take a good, hard look at that.

The proposal is written on paper, not in stone, so we're not fixed to every comma that's in there, but we've put forward some notions that we believe are important and significant in showing a willingness to work with the government, with the Liberal caucus, with citizens out there and with all the local and regional governments in trying to come up with solutions that will be there not just for the next couple of years but for the next 30 to 50 years, which I think is what we all want. The changes we are making, whether it's through Bill 103 or some of the other bills that are now in front of the Legislature, are not things that can be easily turned around if we discover they don't work, so we have to try and get it as correct as we can.

I would just say in conclusion that I do hope those are taken seriously. I have a number of other questions that I want to ask and points that I want to make as we go through the sections, but I'll save those for as we go through.

I just want to pick up on one other point I heard the parliamentary assistant make, which is that the amendments, whatever they are going to be, we will get in a reasonable time ahead of — April 1, I guess, would be the date that we would likely deal with this in the Legislature. I would just say to him that there is also one other major problem that remains in the way in which we now are locked into dealing with this bill. Of course, the problem will disappear if the proposal that I've put forward is in any way taken up by the government.

But if it's not, then I'm sure it hasn't gone unnoticed by the parliamentary assistant and other members of the committee that the time we have for committee of the whole, set out in the time allocation motion passed by the Legislative Assembly, is only one hour. To expect that we could reasonably debate any number of important amendments in one hour's time I think even the parliamentary assistant would have to admit is a bit of a stretch.

We may want, as a committee, to make some recommendation on that, and even if we don't, I would just say to the parliamentary assistant that this is something he should seriously look at, obviously together with the minister and the government House leader, in terms of how some greater time could be accommodated. I note that had we gone today through the normal process, we

would have had the equivalent of, at the minimum, a couple of days of House time to be able to deal with clause-by-clause and amendments and it would seem to me that something comparable to that would be, as a minimum, required if we're going to get any number of significant amendments to the bill. I would put that as a suggestion for the government caucus and particularly the parliamentary assistant to take up with the House leader and the minister, and we'll rejoin the discussion at a later point.

The Chair: I next have either Mr Sergio or Mr Colle, and then Mr Kells.

Mr Sergio: I'll defer to my colleague Mr Colle.

The Chair: You'll follow Mr Kells, Mr Sergio.

Mr Sergio: Sure, that's fine. With pleasure. Absolutely.

Mr Mike Colle (Oakwood): The major concern we've had from day one is basically a process that is open, transparent and fair, to give not only the opposition time to participate but the public time to participate. As you know, the public and speaker after speaker has been most upset by the fact that the government has been ramming this through, made up its mind even before there was any debate in the House that the bill was basically a done deal.

What I find most troubling is that this seems to be continuing. With no amendments being presented by the government, it makes it almost impossible for the public or the opposition to have any meaningful input. I think that's an affront to the committee. It's an affront to the public again. What I also find troubling is that over the last two or three weeks there have been very specific amendments proposed, leaked, debated in detail in the daily newspapers, from government sources; specific, detailed amendments, article after article, on the trusteeship, on the transition team, on provisos in the bill, yet the committee has seen nothing from the government and the committee sees nothing from the government today again.

0930

How is the committee, or the opposition or the public, in any way, shape or form going to have any time to deal with these amendments in a meaningful way if in essence after today the committee is not going to be dealing with any of the amendments? All we have left is one hour in the House. It has been specified by the closure motion that was brought in on January 29 that "one hour shall be allotted to consideration of the bill in committee of the whole." That's another affront. The minister's parliamentary assistant, the minister, the detailed reports of these amendments in the Toronto papers daily show that some of these amendments are quite controversial, quite convoluted. If you want to discuss or analyse the amendments, or the public wants to have time to digest them, never mind the opposition, how can you do this in one hour? It's impossible. It becomes a joke. It becomes a farce.

The only thing that can be done is that this clause-by-clause should be deferred to the day when the government produces its amendments formally, publicly, in a transparent way, and not through leaks to their favourite newspapers. That is an affront that we should not stand for.

That is what I am moving right now, a motion deferring the clause-by-clause until the government legally, formally, procedurally correctly presents its amendments. When it does that, then we as a committee, and at the same time the public who in overwhelming numbers have shown grave concern about this bill and this process, should participate in that clause-by-clause. There's no way that the public will accept a one-hour time frame to discuss the future of their cities. This is a continuation of a disregard for basic participation in this significant bill. There is no way that this clause-by-clause today has any meaning without the government's proposals being before the committee.

I've been asking around to find out if this has ever been done before, if this is normal practice, and everybody says: "I don't know of it. I haven't heard of it." So here we go again, trying to shortcut the system, trying to play games with the people who have a deep concern over this bill and their cities, and we're told we only have one hour on April 2, or whatever the day may be, for the committee of the whole.

Mr John Gerretsen (Kingston and The Islands): April 1, April Fool's Day.

Mr Colle: April Fool's Day, which may be appropriate, if you think an hour is sufficient.

My motion is to defer the committee of the whole up until the time the government brings forth its amendments and that the committee of the whole take place at an appropriate day or time, that a day be given to consider the clause-by-clause plus the amendments at that time.

Anything other than that would basically be just playing tricks with the system, just trying to basically do it by newspaper leaks and do it by 200,000 faxes a day. We don't want to see that continued, and the public has said clearly to you — Mr Chairman, you've heard them — person after person says they are tired of being insulted. They want their legitimate right to participate, not in a token way, respected.

This deferral gives a bit more credibility to at least giving the public a chance to look at these amendments. As the government says, they could be very fundamental, very substantive, and there's no way it can be done in the one hour allotted. That is my motion, Mr Chair.

The Chair: Actually, Mr Colle, you've talked about two motions and both are out of order. The first that you talked about was a motion to defer clause-by-clause analysis of the bill, which is beyond the ability of this committee to do because we're instructed by the House that we must do clause-by-clause analysis today. So that would be out of order.

The second one was a motion to defer committee of the whole, which is also out of order because it's beyond —

Mr Colle: I haven't done that. I misspoke myself, but I didn't ask for that. If I could just clarify something, it is my understanding that it is the prerogative of this committee to ask the Legislature to heed the instructions of this committee. Rather than our making that unilateral decision, I think we can request the Legislature that there be an amendment whereby there be a deferral of the clause-by-clause, given the unusual circumstances of this bill and the fact that the government has not produced

any amendments, considering the gravity of the amendments the government is proposing and the time frame allotted of only an hour. My understanding is that it would be in order to request the government, I guess — that's who we're requesting, the Legislature — to basically defer the clause-by-clause. I would like a ruling on whether we can make that request.

The Chair: The only motion that would really be in order to that effect is a motion perhaps that, first of all, as we stated earlier on, at the end of the clause-by-clause analysis when we ask, "Shall I report the bill to the House?" if the committee decides no, we shouldn't do that, I would still report the bill, but report that the committee has said not to report the bill. That's one way of doing it.

The other way of doing it is a motion to the effect that a request be put to the House leaders to alter the orders we've been given from the House, the motion that was passed in the House, to defer clause-by-clause analysis. Even if that passed, we would still today have to do clause-by-clause analysis, though.

Mr Colle: Certainly I would be amenable to amending my motion basically to request — I think that's the most practical thing — that this committee recommend that the House leaders alter the direction given on January 29 to allow for meaningful debate and analysis, either through this committee or through the committee of the whole, giving them a meaningful amount of time to debate, analyse and scrutinize the amendments that the government will bring forth at that time.

I will agree with that if that be the case, but I still think the clause-by-clause doesn't have any effect in reality if the government hasn't proposed its amendments. What are we going to do here if the amendments aren't before us? It seems kind of foolish for us to sit here, going through a bill which everybody says to reject, and on the other hand we have no counterproposals from the government. We're making a mockery of this thing if we sit through this without government amendments. Why would we waste the whole day of the committee when the government is refusing to produce its amendments? It just won't work in a meaningful way.

The Chair: What I'd like to do with that particular motion is put that motion, in case it's defeated, and then we would dispense with debate about that.

The motion Mr Colle has put is that the House leaders be asked to recommend to the House that clause-by-clause be delayed. That's the motion. I'd like to deal with that and then we'll continue on with the opening comments.

We can speak to that motion before we vote on it. That's the motion on the floor and the first person who's put their hand up to speak to that motion is Ms Munro.

Mrs Julia Munro (Durham-York): I wonder if we can't deal with the two issues that have been raised by, first, Mr Silipo and Mr Colle. I would suggest a friendly amendment to that motion that we approach the House leaders to negotiate either a deferral of the amendments in the committee or extend the time allocation for the committee of the whole.

The Chair: Can you elaborate on your first point?

Mrs Munro: All I'm suggesting is that we give the House leaders the opportunity to negotiate either.

The Chair: I don't think Mrs Munro's suggested amendment is to add "or that time be extended"; I think — is it a replacement or is it an addition, in a sense?

Mrs Munro: It's an addition.

Interjection.

Mrs Munro: Yes, to extend the time allocation of the committee of the whole, which is essentially what Mr Silipo has.

The Chair: Now I have to deal with that amendment first. The motion would read that the House leaders be asked to recommend to the House that clause-by-clause be delayed or that committee of the whole time be extended. So then you'd be giving the House leaders an option. We can add that point to the debate. Now we have to deal with that amendment.

Mr Gerretsen: It seems to me totally in order. I was rather shocked when I started watching this on television a few minutes ago that you were even doing clause-by-clause today. The bill specifically deals with one concept. If you look at the explanatory note of the bill, the very first line, it says, "The bill replaces the seven existing municipal governments of Metropolitan Toronto with a new single-tier city of Toronto."

The government itself has said that after the referendum that took place on Monday, in which three out of four people basically who voted said, "We do not want a megacity," it is going to bring in amendments. I take a very practical approach to this. What is the sense of going through this bill on a clause-by-clause basis when the entire bill deals with a concept on which the government itself is saying, "We are going to bring amendments forward"?

If you're going to deal with this on a clause-by-clause basis and if you're going to presumably pass all the various clauses because you've got the majority on this committee, are you then going to renege on some of the clauses you've passed here today once the amendments come forward at the committee of the whole level? This, to my way of thinking, would be just a greater affront to the people who are involved in Metropolitan Toronto, because basically what you're saying is, "Yes, we agree with you, there ought to be some changes, but in the meantime, we're going to pass our bill on a clause-by-clause basis anyway."

The whole process really boggles me. Surely to goodness if you're going through a bill on a clause-by-clause basis, you should have all the amendments there so that people know what they're voting for, so that you're not voting in favour of a particular section one day and the next day having the government come in with an amendment that in effect amends that section and would wipe it out. It just makes absolutely no sense to me to go through this process at all until you've got all the amendments actually here or at the committee of the whole, if there's an extension to that, to deal with at the same time.

That's really all I want to say. I think the average person out there who's watching this must be totally confused. Here the government has said, "We're going to

bring some amendments in, but in the meantime, we're going to pass the bill as it is on a clause-by-clause basis," which makes absolutely no sense at all.

Interjections.

Mr Gerretsen: I'm glad the government members are listening to this.

The Chair: Ladies and gentlemen, could I have order, please. There are too many conversations around the room.

Mr Gerretsen: Actually, I agree with Mrs Munro's very sensible suggestion. It's one of the very first sensible suggestions I've seen come from the government during the past couple of years. I congratulate her on that.

The Chair: I've got Mr Colle and Mr Silipo first and then Mrs Munro.

We'll take a quick recess.

The committee recessed from 0945 to 0950.

The Chair: Ladies and gentlemen, if you could resume your seats, please. In a healthy spirit of cooperation, I'm going to go to Mrs Munro first.

Mrs Munro: I'm going to withdraw my friendly amendment.

The Chair: Now I'm going to go to Mr Colle.

Mr Colle: I'll withdraw my original motion and replace it with the one I'm about to read.

The Chair: Okay.

Mr Colle: "The House leaders be asked to move a motion in the House to extend the time available for committee of the whole to ensure that adequate time is available for full debate of all amendments."

The Chair: Is everyone clear on that? We don't want it re-read?

Mr Dan Newman (Scarborough Centre): Re-read.

The Chair: "The House leaders be asked —"

Mr Silipo: No, I didn't want you to re-read it. I'd like to speak to it.

The Chair: We will speak to it, but these guys want it re-read.

"The House leaders be asked to move a motion in the House to extend the time available for committee of the whole to ensure that adequate time is available for full debate of all amendments."

Mr Colle, you have the first opportunity to speak to your motion.

Mr Colle: Just briefly, it gives the House leaders an opportunity to maybe make the decision in terms of allocating some reasonable amount of time. It still leaves them the prerogative to analyse and discuss the impact of our request that we be given adequate time considering that the amendments are going to be coming at a later date. This still leaves their hands free to deal with it as they see fit, and it's just an indication from us that we'd like them to deal with that request for more meaningful input.

Mr Silipo: I think it's a good motion. I will support it. I just regret that Mrs Munro, who had earlier seen the wisdom of putting forward that very suggestion, has now been —

Mr Marchese: Persuaded.

Mr Silipo: — persuaded by her colleagues to pull back. I just think that's really regrettable.

The Chair: Actually, in fairness, Mr Silipo, before you carry on with that thought, that was at my request because it made the whole process smoother.

Mr Silipo: Then that's fine. Then I would expect that Mrs Munro is still supportive of it, given that she had suggested it, and I hope that other government members will be supportive, because this is the only course that's left, given the way you've chosen to deal with this bill. As I said earlier, the best course of action is, in whatever way you choose to do it, to withdraw the bill. If you're not going to withdraw the bill, then whatever changes you're going to make to it, we need to at least have adequate time and certainly not an hour's time in committee of the whole to be able to deal with those changes. I would think that this kind of suggestion and motion is the least you can do in terms of ensuring adequate discussion of these changes.

Mr Gilchrist: Very briefly, I won't be supporting this motion for a very simple reason: The House leaders are meeting at 11 o'clock, and I'm told it's one of the items on the agenda. I think it's inappropriate for this committee to be trying to direct the House leaders. These are things more appropriately done at their level. It's my understanding that it is being discussed this morning already, so it's superfluous and unnecessary.

Mr Sergio: What's being discussed?

Mr Gilchrist: The issue of timing on that week when we come back for issues such as committee of the whole House and the other items that were previously agreed to by the House leaders for the schedule that week.

Mr Sergio: Then maybe we should adjourn the committee until we see what they suggest.

Mr Gilchrist: I don't have the power to do that, sir.

Mr Marchese: In response to the parliamentary assistant, it's clearly very appropriate. I'm not sure why Mr Gilchrist would say it is inappropriate. This is the committee that's been sitting here for five weeks hearing deputations, close to 600 of them, and most of us have been impressed by what they've had to say and influenced, I would hope, at least on this side, by what people have had to say. For the parliamentary assistant to say it's inappropriate because the House leaders are meeting is inappropriate. The fact that the House leaders may be meeting is fine, but this committee should instruct the House leaders if it so wishes, based on the experience it has had over the last five years, to do so.

Mrs Munro: It might seem like years.

Mr Marchese: Did I say "months"?

Mrs Munro: No, "years."

Mr Marchese: Years, my God. How quickly we age in this committee.

Interjection.

Mr Marchese: It is an onerous task we've had over the last five weeks, absolutely true.

It is appropriate for us to instruct the House leaders based on our experience of what we've heard. This motion is a very simple motion, and the House leaders can choose to disregard it, but if it has the weight of this committee, they will not disregard it. So it is very appropriate. If it is being discussed, that is fine. We're simply assisting them in their thinking should they be moving in a different direction. I think it would be wise

for these other members here to support the motion, Mr Chair.

The Chair: Thank you, Mr Marchese. Ms Castrilli?

Ms Annamarie Castrilli (Downsview): This is a critical piece of legislation. The minister has announced that there will be amendments since the people have spoken very loudly and clearly that the current piece of legislation as it stands is not acceptable to them. I don't think there's any discussion on those points.

I am surprised to hear the parliamentary assistant say that this motion is inappropriate. That it would ever be inappropriate for a committee of this kind to give their views to the House leader, I can't understand it; that is precisely what we are here for. We are here to reflect the views of the people and to pass them on, in whatever way we can, to the government. The House leader is a vehicle of doing that. The House leaders' meeting is a vehicle to do that. People clearly want more discussion of this issue. One hour to discuss the complex amendments that will come is not sufficient. Obviously, people will need to be given input, and I think the democratic process requires it.

I think the House leaders would probably appreciate a motion, particularly since they're already discussing this issue at 11 o'clock. Surely if this item is on the agenda, they would want to hear from this committee as to what we think is appropriate in the circumstances. Therefore, I think the motion is entirely in order and ought to be supported by everyone here.

Interjection.

The Chair: Ladies and gentlemen, I know most of the people who are here in the audience today have been here throughout most of the process, and I've already said several times there's to be no participation from the audience. Especially today when there's going to be at times perhaps heated discussion back and forth among the committee members, I can't allow audience participation, so I'd appreciate it if you'd heed that request.

I see no further desire by anyone to speak to this motion, so I'm going to put the question.

All those in favour of Mr Colle's motion?

Mr Marchese: On a recorded vote, Mr Chair.

Ayes

Castrilli, Colle, Marchese, Sergio, Silipo.

Nays

Ford, Gilchrist, Kells, Newman, O'Toole, Parker, Tascona.

The Chair: I declare the motion lost.

Mr Colle: This is truly disgusting. She made me withdraw my motion; now she left. It's another affront.

The Chair: Order, Mr Colle.

Interjections.

Mr Gilchrist: The clerk asked her to withdraw it.

The Chair: Mr Colle, you're not even at your chair. Order.

Mr Colle: She ducked it because you told her to. Is that what you did?

Mr Gilchrist: I did not.

The Chair: Order, Mr Colle.

Mr Colle: Didn't you tell her to leave?

Mr Gilchrist: No. You're contemptible.

The Chair: A two-minute recess.

The committee recessed from 0958 to 0959.

The Chair: We're back and in order. Now that the motion has been dealt with, we are going to continue opening statements. The next presenter on the list is Mr Kells, followed by Mr Sergio.

Mr Sergio: Can we take a couple of minutes of recess?

Mr Colle: Let's walk out. We want a recess.

The Chair: What are you requesting?

Mr Sergio: Five minutes.

The Chair: A five-minute recess.

The committee recessed from 1000 to 1005.

The Chair: Continuing in our process, the next person in line for speaking is Mr Kells.

Mr Kells: Thank you for the opportunity to respond to the honourable member for Dovercourt. Maybe my colleagues weren't all here when the honourable member — I guess the best thing we could call it is a lecture to the government members about maybe what should happen in relation to Bill 103. It triggered in my mind that we need sometimes to go back a little in history to refresh ourselves on just what had taken place prior to 1997 or the fall of 1996.

In 1988, when the Liberal government was at its peak of power, under the Minister of Municipal Affairs of the day, John Sweeney, they brought in a creation, the Office of the Greater Toronto Area. Part of its mandate was to look at the five regions and come up with a significant plan to look after growth. Implicit in that mandate was also a change in governance.

I had great respect then and still do for John Sweeney. I thought the government recognized, as it said in its announcement, that something had to be done and it had to be done quickly. They knew that in a 25-year span we'd be looking at six million people in the greater Toronto area. As a matter of fact, the term "greater Toronto area" was created at that time.

They set out with considerable investment, and they even had a deputy minister, Gardner Church. The logical thing, as I recall, at the time was that if it's important enough to have a deputy minister, pretty soon it's going to be important enough to have a minister.

We all waited in eager anticipation for the outcome of those deliberations, and I must say that just before the election in 1990, the report did come down. There were a number of reports that took in the problems involving the greater Toronto area: We had the Kanter look at the Oak Ridges moraine, which was vital; Crombie had been looking, on behalf of the federal government, at the Toronto Harbourfront, and that was extended into a provincial royal commission also to take a look at, as a matter of fact, all the water that led from Lake Ontario up into the greater Toronto area; we had the growth scenario, which took a look at where populations should be directed and how they might best be directed.

These deliberations and the announcements were well-received, and everybody understood that something had to be done. As we entered into the 1990s, the scenario was set by the government of the day to take a look at

how we would direct growth and what we would do about governing ourselves as we did that; very important, a major plank in the Liberal government's election platform.

As we all know from history, the NDP won that election, and all of a sudden the Office of the Greater Toronto Area undertook a different role altogether. Instead of reporting to municipal affairs, it was taken in under the wing of the Ministry of the Environment, under the minister then, Ruth Grier, and the significance of that office started to diminish considerably. The reports that we expected, the follow-up reports that were announced, were delayed and delayed. We waited a long time for something to happen, to evolve from the Office of the Greater Toronto Area.

Obviously, that never happened. The deputy minister, Gardner Church, decided he had no future at that time under that situation and departed. When the minister of the day responsible for the Office of the Greater Toronto Area, Ruth Grier, was moved over to the Ministry of Health, then the Office of the Greater Toronto Area, one more time, was moved back to municipal affairs.

At the same time, it became obvious to the mayors and reeves — it's mainly mayors now — spread throughout the greater Toronto area that they had problems. They had problems because change was coming, pressure was coming. We had the Development Charges Act. All the elements we're discussing today were all in the picture in the early 1990s. So under the leadership of Hazel McCallion, the mayors spread out through the greater Toronto area started to meet and discuss all the problems involving governance, growth, change, all the pressures.

1010

I had the opportunity to attend many of those meetings. As a matter of fact, so did representatives of the then Minister of Municipal Affairs, Ed Philip. There wasn't any direction that ever came from the ministry about those deliberations. A few more reports did eventually make their way out of the office of the GTA, but they were more catching us up to the growth possibilities. They posed questions, but they never posed any answers.

Here we have this lecture we just got from the member for Dovercourt, telling us that all of a sudden these problems that we don't know how to handle just dropped in on us in the last year or two —

Mr Silipo: That's not what I said.

Mr Kells: Oh, yes, you did.

Here we have this history. It's a matter of record that the Office of the Greater Toronto Area had presented most of these problems in a growth way. The mayors of the greater Toronto area had been discussing the problems they were having. The area of coordination between Metro and the region surrounding Metro had long been a problem. Your government, the government of the day, the NDP government, decided for some reason not to tackle any of those major issues until the last minute. You have to admit, in a timing situation, the appointment of the Golden commission was a get-ready-for-the-election effort. As a matter of fact, when it finally came in under our government, even though we had accelerated the timing of the report, I thought there was a great deal of merit in what the Golden commission has come up.

I just wanted to get that history out there. This didn't just happen. The Liberal government recognized that something had to be done, but in the five-year period under the NDP government, very little was achieved in looking at how we were going to govern ourselves and any changes that had to be made.

The other thrust of the honourable member's lecture was that somehow the government doesn't understand local government, doesn't understand the issues. He was kind enough to bring over his caucus report for me to read so I'd get it right. I thank the honourable member. I actually have a copy in my office; it was given to me by the mayor of Etobicoke. They managed to get it pretty well laid out in one page, but the important part of your manifesto is not what it says but what it doesn't say. What it doesn't say, with all the criticism we received from the third party, there isn't any guarantee under "Principles" — you are not willing to guarantee that not one of the local municipalities in Metro would be removed. You're not willing to say you would protect local governments right down the line. You do not mention that at all.

If you really felt as strongly as you indicate —

Mr Silipo: We're not describing the solution.

Mr Kells: If you're describing the solution —

Mr Silipo: We're not describing the end solution.

Mr Kells: Your position, your principle, should be, if I hear you right, that you will protect the integrity of local government. That means you will keep all the local governments, and you know that does not make sense. If you're looking at the government —

Mr Silipo: We're saying we're not defending the status quo.

Mr Kells: You said you'd be happy to listen to me. Would you be kind enough to listen to me?

The Chair: This is not a back-and-forth. Mr Kells has the floor.

Mr Kells: Your point is easy to take. What you've done here is that you've tried to put a document together that covers all fronts. You've managed to say, "We will protect the integrity of local government," but you won't put it in writing.

If you really were serious, you would say, "Whatever we do, if we were the government of the day we would make sure there would be an East York forever" or a York forever or an Aurora forever. But that's not what you're saying. You really have no position. With all due respect to the Liberal Party, they do not have a position either.

You've managed to spend your time — and I understand that the role of the opposition is to pick apart, if they can, the legislation put forth by the government, but with all due respect, if you're going to do this, you should answer all the questions the public have, and they have many, about your position.

You've managed very cleverly, and we understand that, to nail us to the wall for the legislation we brought forth, but at least —

Interruption.

Mr Kells: Unfortunately, I don't know what kind of nerves we seem to have touched on. I really was only trying to sketch some of the recent history, and I'm also

only responding to the rather strong points made by the honourable member for Dovercourt. I would just like to leave it there.

I simply wanted it on the record that this question of what to do with governing ourselves, the question of what to do with the greater Toronto area, is not something that arrived on the scene just 12 months ago or two years ago. Your government for five years had an opportunity to deal with it in a very constructive way, and if you look at the record, there is nothing your government did to come to grips with the problems that have been there since the late 1980s at least.

Mr Sergio: I'll come back to the point made by the member for Etobicoke-Lakeshore, but let me go back to what the parliamentary assistant was saying before, that the government doesn't want to tinker with the bill but wants to do it right. He's saying what the minister has said. He's saying what Mr Harris has been saying.

The fact is that if you don't want to tinker with the bill, we should have known, not now, but on February 13 when we had the minister coming in front of this committee and saying that this is a public hearing like any public hearing should be. I'm pleased that the member for Etobicoke-Lakeshore is here; he's a past member of provincial and local government. It's quite normal that when you initiate public hearings you tell it the way it is. You tell your intention and say, "We want to hear you, and we're going to take what you say into consideration, because whatever we're proposing, we want to make it better either way, according to what the people have said."

For five weeks we've been listening to the people here, and the people in unison, unequivocally, have said one thing: "We don't want to tinker with the bill. We don't want to see any amendments." This is what they have said. I go back to what Mr Gilchrist, the parliamentary assistant, was saying about the last deputants of yesterday, and I hope the members will be listening and acting accordingly — not, unfortunately, like the member who made a sensible amendment and then had to abandon it, had to abandon her responsibility, because politics interferes with the true facts.

This is what the last speakers yesterday said: that to carry on with Bill 103 or any amendment is simply not going to cut it, that people have become extremely politicized, that it has no logical support, that it cannot be window dressed, that this has now gone too far, beyond any act of redemption. "No amendment will appease us. People are now angry, not concerned; they are now angry and any change will be treated with scorn." This is what the last deputants said yesterday.

1020

It is not what Mr Harris wants. It is not what the opposition wants. It is what the people want. The people have said that no amendment will make this bill any better. The bill as it has been presented must be withdrawn; it must be brought back to the table and must be redrawn.

We have said all along that changes are necessary and should be made. We have said how we're going to make those changes. We'd take the best of all the studies that have been done, initiated by the government and paid for

with taxpayers' money. Some of those studies they did include good recommendations.

We were hoping, the people were hoping, that the government would indeed take those recommendations into consideration and bring a bill that would reflect exactly the views of the people who dealt with those reports.

Let me go back to what Mr Kells was saying. At no time did Mr Sweeney recommend anything close to what we are debating here today — nothing, not even close. We didn't have to wait for Mr Sweeney to say we needed changes. He did because he was empowered to come up with some recommendations, but he didn't recommend anything like this. Nobody knows that better than the member for Etobicoke-Lakeshore. This bill doesn't even deal with the GTA, and that was a cornerstone of those recommendations. There's not even a mention of how the government or Bill 103 will address the problem between 905 and 416.

Tax reform — the tax system is a major problem, about which the member wrote long articles when he was the chairman of the Urban Development Institute. Unless we equalize the unfairness that exists within the 905-416, Metro will not survive. They are not addressing this particular inequity at all. It is totally unfair that even today we are living unprotected in Metro, without taking into consideration the 905. With all the downloading that Metro will have to absorb, we still have to support and subsidize the 905 region. I'm asking you people, is that fair?

Ultimately, we have to consider what the people have said in the last five weeks. As has been said, this committee's responsibility now is to make recommendations to the Legislature. It is not that the Legislature has not empowered this committee to make recommendations. It has.

If Mr Leach on February 13 had said to us, "Go ahead and hold public hearings, but we will not take into consideration what you have said until April," I think we would have heard an outcry from the people saying: "What's the use? We're coming here for five weeks and then we won't know what you're going to do until April."

Now you're going to tell us after we have spent five weeks. Is this a farce? Was this pre-arranged by the government, by the minister? Are we now going to be waiting to see what the minister is going to do until one day prior to a vote in the House? Don't you think the people have a right to know what the minister intends to do now that we have heard the people? I think it would only be fair to take into consideration at this stage.

The minister has been saying: "We are going to make some changes. We're going to make sure that we do it right." Between Mr Leach and Mr Harris, they must be exchanging, maybe passing in the hallways or stuff like that, or in telephone calls: "What are you going to say? Make sure we both say the same thing."

They have been saying that: "We're going to make some changes and we want to get it right." Well, if you want to get it right, it is our position — and we have been saying that. That is why the Liberal position did not attach any particular time before or after the election. We have said we are going to take whatever time is required

to make it right. If it takes six months, if it takes us beyond the next municipal elections, we're going to take whatever time is required to make sure that indeed the government gets it right.

For you to get it right, let's have participation of the players here. As the Premier has said, "We want to make sure we are going to have participation by those people affected and not treat them simply as spectators paying the bills, with no voice in the actions of the government." Why don't we do that? I think it would be rather fair. I hope the members of the government side will take that into serious consideration. We have heard that this is bad, bad, bad legislation.

Let me see if I can put this together because this came out from Mr Kells himself. If you take a skunk and dress it up in fancy clothes, spray some perfume on it and put on some sunglasses, then say "my nice French poodle," it's still a skunk. This is bad policy and no matter how you're going to change it, no matter what kind of amendments, it's still bad legislation. Let's take our time and do it right.

Mr Marchese: I want to begin by saying that I have been very impressed by the regular and steady presence of people who have come to attend these committee hearings, and not just as deputants but people who want to hear what others have to say and what we as members of this committee have to say.

I have to also say that I have been informed by them. Often, as politicians we have to decide, who is it that informs us about how we make policy? If not the 600 deputations we've had, 95% saying no to Bill 103, if we are not informed by them, the question is, who are you informed by, except some judgement of yours that says, "We know what we're doing"? So we hear 600 people, but we're going to disregard them and disregard them wilfully, because we, the keepers of knowledge, know exactly what we're doing.

If we don't listen to these 600 testimonies, which I consider as evidence of why we should not do it, then what are we doing? If we don't listen to the experts we and they have quoted who say that amalgamation in this form will be more costly, if you yourselves and your minister, your parliamentary assistant and the Premier insist it's going to be cheaper in spite of that evidence, we've got a problem, and I believe we have a serious problem. You've produced no evidence. The only evidence was the KPMG report, which was discredited by most people who came in front of this committee and by most experts who have reviewed the report. That's the only evidence you produced: a discredited report produced very quickly in two weeks. It's hardly something you could hang your hat on as evidence of why you need to amalgamate.

In my view, we've got a serious problem of credibility. We have the other credibility problem of M. Leach saying before the election, "We're going to get rid of Metro." We have the same credibility gap and problem when you have M. Harris saying before the election that he wants to maintain strong local government and was in favour of the elimination of Metro as well. That's a credibility problem. Mr Kells can say, "What did you do?" and we can go back to the discussion. I'm not sure

it's going to solve your particular problem as government in terms of how you respond to the 600 deputations first.

Mr Kells: I'm responding to your lecture —

Mr Marchese: I appreciate that. That's fine. I'm not sure that going back to what we or others did or did not do is going to solve our particular problem. You can raise it, but I think your immediate response has to do with responding to the people who came in front of this committee. That's the first one.

Your second problem is responding to the referendum, which you have nonchalantly dismissed as simply a mere public opinion poll. Why is this a problem for you? It's a problem for most governments if they decide to wilfully disregard these results. It's a problem because your Bill 86 that you passed at the end of December clearly authorized and authorizes municipalities between elections to hold referendums.

1030

I have to tell you, I was a member of that committee for that whole duration and I heard some of the honourable members who are here and who were part of that committee refer to those matters as referendums. That's what most of you who were part of that committee dealing with Bill 86 said. You called it a referendum; the municipalities would be able to hold referendums. Now of course you conveniently dismiss it because it doesn't suit your interests to call it a referendum, so you will call it whatever you wish. But before, and in committee, you called it something different, and I recall very vividly what you were calling it.

It also permits, in that bill, that municipalities can have different arrangements for how people can vote: by phone, Internet and other means. You have done that in Bill 86. Now you dismiss all of those procedures as simply being bad or not done properly. You can do what you like, but that's what you legislated the municipalities to do and that's what they've done. To the best of the abilities of those municipalities, that's what they've done.

You might say there were irregularities, you might say you found ballots here and there. I think that will happen in any municipal election. Continue to say what you like. The point is your bill permits municipalities to do that. The bill doesn't say, "You will do it so right, otherwise we'll discredit it and dismiss it." The bill doesn't take that into account. The bill doesn't say, "You better be sure that whatever mechanism you choose, it had better be 100% right, otherwise we, the Conservative government that passed this bill, are going to be annoyed or unhappy." You didn't say that. The bill doesn't permit that. It just permits municipalities to do their best and to choose whatever form they want by way of whatever voting methodology they choose. That's what you did. I need to remind you of this because some of you conveniently dismiss it and disregard it.

You've got a second problem. You've got individual testimony of people whom I consider experts in their own way. By the way, I should say many of these people have come in front of this committee taking time out of their busy lives. Some of them, like Ms Lush here, are retired. She's here because she's upset about what's happening. Other people here are self-employed, many of them. Some work at home. Many probably work at home, no

doubt. They're leaving that work because they feel strongly about what you are about to do to local government. That's why they're here.

Please don't dismiss their work, their presence, their desire to come back day in and day out, as they have done. I don't know what some of you might call it, but just praise it and acknowledge it, if nothing else. If you dismiss their evidence and dismiss the referendum we've had in Metro, you, my friends, have a big problem.

You are a government that's fond of referendums, generally speaking. So how you on the same hand as being fond of them now find a way to dismiss them is problematic for you. It contradicts your basic principles, as I've seen you, as I've seen your performance and I've seen what many of you stand for. I think you've got a problem. But you might want to defend it. You might want to say: "No, that's not the kind of referendum we want. We're thinking of something different." I'd like to hear from some of you with respect to this issue.

On the whole issue of the evidence here and of the results of the referendum, which were very emphatically clear, they're saying to you, "Please don't put cosmetics on the corpse." To borrow an image from one of the people who has attended these hearings here today, you are putting cosmetics on a corpse. I think it's an appropriate image. They're telling you Bill 103 is flawed fundamentally because you're getting rid of cities. They don't want you to do that. Frankly I don't want you to do that. If you put cosmetics by way of amendments on this corpse, you've got a problem. They are not asking you to amend a fundamentally flawed bill; they are asking you to retreat and to reject it, based on what they're telling you.

Mr Kells: It doesn't say anything here that you —

The Chair: Order.

Mr Marchese: I'll get to that, Mr Kells. Don't say what we would do. You're in charge, as M. Stockwell used to say. I remember Stockwell, when he was on the opposition benches —

Interjections.

Mr Marchese: Mr Kells, I'd like to participate with you.

The Chair: Order, please. Mr Marchese has the floor.

Mr Marchese: I remember Mr Chris Stockwell on the other side. With his eyes popping out but very emphatic and very energetic, and I used to respect that frankly, he used to say, "It's not what we said; it's what you said." That's what he used to say. "You've got the wheels," he used to say.

Mr Kells: That's why we use interjections and that's why you should answer back.

The Chair: Order, please, Mr Kells.

Mr Marchese: You're the ones in charge, you're in government, you're the ones who have a particular problem to deal with. People are telling you that they're not here to deal with amendments, and some of them are very nervous and angry about the fact that you're carrying on as if nothing has happened in the last couple of days. So we've got a problem.

Why are you not bringing forth any amendments today? I'll tell you why: You're hoping these fine people will go back to their work, retreat, rest for a while, have

a long pause so that people might forget. You see, they're smiling. They understand that too. You're smiling too, Morley.

Interjections.

Mr Marchese: Of course, yes. But the real intention is to hopefully have these fine folks go home, forget what they have been dealing with for a month. That's not going to work. You know that. You hope it will work, but it won't.

Second, you're hoping — you're going to do some public opinion polls, by the way, because you need a couple of weeks to get a sense of not just where Metro people are at but where the rest of the province is at. You're going to be doing these polls, you're going to have a retreat in a couple of weeks, and Mike is going to say: "Okay, boys, we've got a big problem. The folks don't like what we're doing, so we're going to retreat from Bill 103 because the polls clearly indicate we're in trouble." Or the polls might be 50-50 and Mike might say to you: "Boys, stick it out. You guys in Scarborough, stick it out. You'll be okay. You'll get re-elected; not to worry. You guys in Etobicoke, don't worry. You'll be elected. Stick it out. You'll be okay." North York, the same thing. East York, including Mr Johnson — I would say he's got a problem too. But he might say: "Stick it out. We've got 15 seats here and I think we can hold on to most of them."

You can probably hold on to that, but who knows? That's what you're going to be doing. You need time for public opinion polls to give Mikey — I beg your pardon, the Premier — a sense of where the public is at. That's why you're not putting motions today, hoping they'll go away and hoping your public opinion polls reveal that you guys might have a chance.

We then have the problem of this one hour that you guys have come up with in committee of the whole. This, I would argue, is indicative of your *modus operandi*. It's a *modus vivendi* too. It's indicative to give one hour. It suggests to me and to them that you people have a wilful disregard for them. I'm convinced you will bring many amendments, if you don't withdraw from this. So to give one hour for this is in my view shocking. In my view it's embarrassing. In my view it's dismissive of all the efforts these people have made.

It is a *modus operandi*, and we've seen you in action. We've seen you do this over and over again with many bills. I have been part of bills that you have repealed in a matter of weeks which took us years to do. The Advocacy Commission took us years, something people with disabilities and seniors asked us to do for decades, and you guys repealed the Advocacy Commission in weeks. But that is the *modus operandi* of this government. It's not as if it's a shocking new idea; it's quite consistent with the way that you behave as a government.

That's why some of you have been attacked. They're using strong terms and I know you don't like some of them. I realize you don't like some of them. The acceptable term I think is "autocratic." There are other, more extreme words which I won't use, which you find offensive. But for them you are more than autocratic, because based on the culture that we've had, they're not used to this kind of autocracy. It is indicative of the

change of culture you people are involved in. You're changing political culture in such a way that they don't like it, and neither do we.

1040

Although you might have legal authority to do what you're doing, although you'll be challenged, you have no moral authority whatsoever. You have no moral or political authority, I argue.

Mr Kells: You care so much?

Interruption.

The Chair: Order. Mr Sewell and people in the audience, I'm not going to pick individuals all day long and ask people to leave. At some point in time, I'm just going to ask the whole audience to leave. Mr Sewell, I'm not going to ask individuals to leave all day long. If I continue to get outbursts, I'm just going to ask the whole audience to leave. That's not fair to some people who are sitting here and have sat through these proceedings properly the entire time.

Mr Sergio: But it's because of your members.

The Chair: If you can't control yourselves, then please go to committee room 2, which is an overflow room. Thank you.

Mr Marchese: I have to remind the member for Etobicoke-Humber that his comments were not well received by most of the people who were present that day in the House on the debate we had the other day. That's why I was very gentle with you.

Interjections.

The Chair: Order, please.

Mr Douglas B. Ford (Etobicoke-Humber): That's a very dangerous —

The Chair: Mr Ford, you'll have an opportunity, if you so choose.

Mr Marchese: Mr Ford, I won't remind you of what you said in the House, but some of them were there. It wasn't nice. I'm being very gentle with you.

Mr Ford: I remember your government in power too.

Mr Marchese: They may have legal authority, but they have certainly no moral authority at all, based on the referendum and based on the 600 deputations and based on all the other deputations that wanted to come here to appear, to speak, but we didn't have the time for them, and that was five weeks — almost unheard of. We've been here now six years, some of us. Frankly, I've never seen this display of individual and community desire to maintain local autonomy. I have never seen it. They tell you the same. Some of you, if you were politically involved wherever you come from, from your backgrounds, would know that this is impressive. This is an impressive display of personal desire to maintain local autonomy.

Mike Harris agreed with that in 1994 when in Fergus he said, "Bigger is not better." In fact he said then that bigger is more costly. That was M. Premier then. But now it's a different story. Something happened on the way to the forum here that made him change his mind.

Our alternative isn't something that we have dreamed up necessarily on our own; it's something that comes out of the Golden commission. It doesn't mean that we are 100% in agreement with everything that's there, and neither are these people here in 100% agreement with

what's there, but what she proposed and the members of that committee proposed was something that keeps local government and local autonomy strong, effective and alive, and says, "What problems are we trying to solve?"

The problems we were trying to solve, they were trying to solve, and as a government we should be looking at solving, even though you're saying that was some other little group that's studying what else we could do. Golden studied this and said: "We need to solve the transportation issues for Metro and the GTA; we need to solve the environmental issues as they relate to Metro and the GTA; we need to solve the regional planning in Metro and the GTA; and we need to solve economic development as it relates to Metro and the GTA." That's what we were trying to solve. I agree with that, I'm sure Mr Kells agrees with that and I'm sure most of you who have studied this agree with that. That's why the Golden commission said, "Keep strong local government."

Do you want to be trapped in an argument that says: Are you going to insist on making sure York exists, or East York exists? I'm not sure that's the argument you want to get into. We had the mayor of East York come here in front of this committee, sitting right there, arguing why East York operates so efficiently. I was convinced by the argument. Some of you might say: "No, I'm not convinced. We want to get rid of little East York." But I know Dave Johnson, when he was there as the mayor, called it the Garden of Eden of Ontario, and a lot of people from East York agree that it's probably the Garden of Eden.

The point is, we need to solve those larger issues. I have to be frank with you: In the beginning when Golden came up with the idea of this strong GTA-Metro coordinating body, I was a bit frightened by it because it seemed big to me. If it's at the cost of eliminating our municipalities, our local government, I say no. If it's at that cost, then this is the wrong answer. The point is keeping local government and coming back to the Golden commission's report about how you manage transportation, economic development, environment and regional planning issues. Those are the big ones. That's what we need to solve.

That's what our proposal speaks to. It doesn't obviously solve all the questions you might have. Mr Kells, you were looking for alternatives, right? These are the people who are giving you alternatives. This is the suggestion. You can poke holes in our suggestion, that's fine, but it was a suggestion that we had proposed to your government to get out of the mess, and it can be done. You can dismiss it, but people have come up with other suggestions and you are dismissing them. I wouldn't dismiss it. There's time for your government to recover from the hurt that I think you've inflicted on us and the public here in Metro and yourselves. I think you can recover from it, and we're offering a way out of this mess.

As I say, looking at the amendments, looking to do what you've done in Kingston — I know in Kingston, for example, the people on the transition team are not just ordinary folks, they're politicians. They are regional chairs who are part of those transition teams. I know for the trustees of the reserve funds, there in that particular bill you've specified how those moneys should be spent. You didn't include that in this bill. I know they're

inconsistent in terms of how you raise them in the one and not the other, and you're likely to put what you have in the Kingston bill as it relates to their amalgamation back into this bill as a way of solving some of the serious concerns people have.

I tell you, what I heard the 600 deputations here say is that some parts of the bill are excessively bad. People spoke strongly against the powers of the trustees, because they were more than autocratic, some of them argued. They were against the powers of the transition team. They were afraid of what you might do to the reserve fund. All those are elements that they disliked, hated and feared, but they feared more than that the entire bill, the bill itself.

Please don't think that tinkering with the bill is going to solve their problems or ours. What people wanted, the deputations and the referendum results, what they are expressing is a desire to have a withdrawal of Bill 103 in its entirety, short of which is unacceptable to some of us and to most of the deputations and to most of the people who voted in that referendum.

Ms Castrilli: It seems to me that the essence of good democratic government is a willingness to listen to the people. It's what we are elected to do. It's what each one of us has an obligation to do. That obligation does not disappear because there's a majority government. In fact, that obligation increases precisely because you have a majority government. It's precisely because you have the majority of the members of the Legislature that it is incumbent upon you to listen to what others have to say, because it can be quite easy to listen just to yourselves. There's a temptation that is there that we need to fight against as politicians and as people who care about public policy.

When you reflect on Bill 103, which is before us, it's important for so many reasons. It's important because of what it does, it's important because of what it is, and it's important because of what it symbolizes. It has crystallized in a way that we can truly understand what it is that a majority government ought or ought not to be able to do.

1050

We had an instance very early on, in Bill 26, where clearly the oppressive elements of a majority government came to light, where a government gave itself extraordinary powers to deal in health matters and in municipal matters, to be able to do it outside the confines of legislative debate and outside the confines of public debate, through regulation. The government chose to do that and then said, "By the way, those decisions that you might not like will not be questioned by a court of law."

We thought, we hoped that was only an isolated incident, and you know how vigorously we fought against that particular piece of legislation and the mindset that it demonstrated right off the bat. But that was not an isolated incident, and I submit to you that Bill 103 is probably the most heinous example of that mindset. We have here a government that from the beginning said, "We don't care what the people say, we have a plan."

We said: "Show us the plan. What's it based on?" No credible authorities could be produced. In fact, all of the studies that were done, with the exception of one, said

the exact opposite. The one that was brought forward by KPMG, which was a document that was done haphazardly in three weeks, with the dictate not to talk to anybody who knew anything about the subject, by the way, is not a report that can be believed. Time and time again we've asked for justification for plans, for reasons why this would be a good idea, and the only answer we've gotten is, "Because." That's just not a good enough answer.

The people decided on their own that they wanted to have a say because this government was not going to let that happen, and they have spoken in a series of referenda across this city and other cities, which ought to be fairly evident to the members of the government. I remind members of the government that you too, many of you, live in those cities, and it is your constituents who are speaking up, as well as everybody else's. I would hope that you would be able to listen to those voices. They're surely not to be ignored.

I worry about how this bill is being put forward. I think the process is very important. I think it speaks to the essence of democracy and to the value that we put on the individual citizen and his or her ability to express themselves and to be heard.

The process that we have in place right now is exactly the opposite. Earlier today there was a motion to extend the time for clause-by-clause analysis, and the reason that motion came forward was because we are now told that there are going to be some amendments to this legislation and we will have one hour to discuss those amendments.

Imagine the lunacy of the situation: We are being asked to deal clause by clause with a piece of legislation and those very clauses may not be there when we discuss the amendments. That is absolutely absurd. Those amendments may fundamentally alter this — we hope they will — and we think that individuals ought to have an opportunity to review it, to understand it and to be able to comment on it. That is what a responsible majority government in a democracy does.

The process, frankly, is a sham. The public can well be forgiven for believing that you have already decided what you are going to do and the public be damned, the will of the people be damned. That is unfortunate. That really is a shame.

Dealing with the substance of the bill itself, there's no question that it is haphazard. It isn't based on any foundations. None of the reports that have spoken to a restructuring, a coordination between cities and between the GTA, is paid even the remotest lip-service in this piece of legislation. In fact, as has been pointed out before, there's not even any indication what will happen beyond the borders of the new amalgamated city, so the problems will remain.

There were some very sensible alternatives put to the government through the Golden commission. Rejected. One wonders why a government would reject a thoughtful document that spent a year and a half looking at the issue, that talked to countless experts, that talked to countless people. One wonders why they would just dismiss it out of hand in favour of a proposal that has absolutely no foundation, at least none that the government has been able to put forth.

This is to be accomplished in a very short period of time. In Hamilton-Wentworth, when they tried the amalgamation, they're still at it 10 years later. In London, some three years later they're still having difficulty meshing bylaws. We're now struggling with six cities and expecting to do it overnight. It's simply impossible to believe that it could be done, not to mention the fact that we have heard an enormous number of people talk to us about what they think the quality of their life will be, the importance of their neighbourhoods, what it means to live in the city of Toronto, in the city of North York.

The city of North York, which I and my colleague Mario Sergio are from, is one of the most efficiently run cities in the world. Mel Lastman has told us repeatedly that we are efficient, we are effective —

Mr Kells: Is that your candidate? What day was that?

Ms Castrilli: He said it every day. I don't need to give you a date.

The point is, it is a wonderful city to live in. I've been to meeting after meeting in North York, as have my colleagues, and people come out and say that. It isn't the mayor. You can discredit the mayor if you want, but it's the senior who lives there and it's the single mother who lives there and it's the student who lives there. They're all coming out and saying, "This is a great place to live and we want it that way; we're content with it that way."

Mr Sergio: Harris lives in North York, doesn't he?

Ms Castrilli: Yes, I guess. I haven't seen him at any of our meetings, though.

All the experts who have looked at the proposal before us have indicated that if the real rationale is that you're going to save money, that's simply not so. All of the studies, all of the examples, all the practical life experience that we have of amalgamations have added additional costs, have not lowered costs. I think the government is really quite bald-faced in saying that this is the way we are going to save money. It isn't going to save money, so that's not why we're doing it. And if we're not doing it to save money, the government still hasn't said to us why it's proposing to go forward with this. I hope it isn't just stubbornness to a principle that you have, because stubbornness to a principle that is wrong is still wrong.

We are concerned about the time that's been allotted to this. It doesn't begin to respond to the objections that there have been. These are very complex issues and you cannot simply rush them through. The opposition is quite willing to let it take as long as necessary to get it right. This is not a game. This is six cities with 2.5 million people who deserve our full attention and our time.

Let me end on that, because I think this is really where we start. There isn't enough time to deal with the very serious concerns that the people have expressed, not only individually or through groups and through meetings, but through a referendum which was conclusive.

1100

The Chair: Seeing no further opening statements by anyone, I'm going to move to consideration of the bill's sections. We'll start with section 1. Is there any discussion on section 1?

Mr Colle: I want to strike the name of the bill, if I could speak to that. Bill 103 says, "An Act to replace the

seven existing municipal governments of Metropolitan Toronto by incorporating a new municipality to be known as the City of Toronto." I think that's an affront to the citizens of the six cities, the citizens of the borough of East York —

The Chair: Mr Colle, the title is a separate part to be considered on its own at another time. We're just on section 1.

Mr Colle: When will we do that?

The Chair: We'll get to that point at the end.

Mr Colle: Why wouldn't we do the title at the beginning?

The Chair: That's just the procedure. It's always been that way.

Mr Colle: I'd like a clarification of that.

The Chair: It's been that way since the history of the Legislature in the consideration of all bills.

Mr Colle: The title is last?

The Chair: Yes, both the long and short titles of the bill are the last two things.

Mr Colle: Okay.

The Chair: Section 1.

Mr Colle: Let's just be clear in terms of —

The Chair: Any discussion on section 1?

Mr Colle: Which is the general part?

The Chair: Yes, section 1 starts with "definitions" and ends with "urban area."

Mr Colle: In this act, the definition of "local," can I speak to that?

The Chair: Yes.

Mr Colle: There is no way that these are able to replace local, in terms of using the word "local," because they're not local any longer. They're basically all regional boards. I don't see how this definition makes any sense, because they're no longer local entities. I'd like to strike that because there's no continuity in terms of what they're actually doing. You're creating massive regional — health boards, which are now local, are being made regional. It's a contradiction of terms, so I'd like to strike that.

The Chair: In order to strike that, you would have had to propose an amendment to that effect. You filed no amendments, so you can't put an amendment today. You would have had to file that amendment by 7 o'clock last night.

Mr Colle: Can't I just move to strike?

The Chair: You can vote against the section.

Mr Colle: And I can give my reasons why again?

The Chair: Sure.

Mr Colle: Okay, so that's why I would certainly vote against that.

In terms of (a), the neighbourhood committees established under section 5, we have no idea what these are going to be. We have existing neighbourhood committees. We have no idea whether they're going to replace existing volunteer neighbourhood committees. Unless we have that clarification, I can't see how you could even begin to appreciate what the impact of these are going to be.

The board of trustees: I'm not sure whether I should deal with that later when we deal with the section on trustees, which I will.

"New city": Certainly I'm going to be asking you to vote against that because in essence it is not a new city whatsoever. It's an abomination. Whatever they're going to create is not a city any longer.

"Transitional year": Certainly the chaos that it's in, there's no way it's going to be able to be done properly in a year.

Those are some of the definitions I just wanted to question and ask to be struck or voted against. That's in part I.

Mr Silipo: I have some comments and then also a suggestion or a request to make. Section 1 is of course the section that includes the definitions that apply throughout the rest of the bill. It sets out, as Mr Colle was saying, various definitions, including the new city being "the city of Toronto incorporated by this act"; a reference to the transitional year; reference to "local board"; an important definition of the urban area, being the area that is in effect Metropolitan Toronto. The importance of this section is that it then lays out the definitions that are used in the subsequent sections of the bill.

I'm assuming from the way you started this that we will be going through this bill section by section, so I would actually suggest, or request, that we deal with section 1 at the end of the sections. I want to tell you why. I'm not going to make any assumptions, although I could, but I won't make any assumptions out of respect for the process that we go through as to what the government members are going to do with particular sections of this bill.

It would seem to me that if they are truly contemplating making some major changes, as they put it, to various parts of the bill, they might want to indicate that at this stage of the proceedings by actually voting against, if not the whole bill, which they clearly will not do, at least some major chunks of this bill. That at least would seem to me to give a message to the people, not just the people who are here this morning following the discussion but indeed the people who may be following this outside of this committee and the people who have voted in the referendum and the citizens who expect a real answer from the government.

Given that the definitions impinge on the rest of the bill, I wonder whether it would be appropriate for us to deal with section 1 as the last section. So to defer that, I would request that we defer consideration of section 1 until we've dealt with the remaining sections of the bill.

The Chair: So your motion is to stand down section 1 until we've gone through 2 through 31. In order to do that, I would need unanimous consent. Is there anyone who wants to discuss that? Unanimous consent to stand down section 1 until sections 2 through 31 have been considered?

Mr Sergio: Mr Chair, on a point of order, if I may —

The Chair: Mr Sergio, before we take that vote?

Mr Sergio: Before we move further, because I think the motion interferes with what I'm going to say. I'd like to know if the government intends or the Chair or the parliamentary assistant is going to withdraw section 9 as it stands now, since it has been struck down by the court. I haven't heard how we are going to deal with section 9.

Mr John L. Parker (York East): It wasn't struck down. You don't listen.

Interjections.

The Chair: Order, please.

Mr Sergio: If they would allow me to finish, I'd like to have clarification from you or from the parliamentary assistant how we are supposed to treat section 9 in here, which deals in its entirety with the trustees. We know that we have a court ruling. Can you please interpret for me the court ruling; as we will be moving through the clause-by-clause, how we will have to interpret and deal with section 9. I believe that section 9 is no longer part of the bill.

The Chair: We can't jump around to different sections of the bill. We can either consider sections 1 through 31 all at once, which would allow the opportunity to jump around from clause to clause, or we'd go from section to section to section.

Mr Sergio: I can take that, but I was hoping that since we have that particular case and judgement, that maybe the government would have said to us section 9 is no longer part of this bill here.

The Chair: My understanding is that it is.

Mr Sergio: All right. We'll deal with it then when we get there.

The Chair: Okay. Is there unanimous consent to stand down section 1 until sections 2 through 31 have been considered? Unanimous consent? Okay. Section 1 will be stood down until we've completed sections 2 through 31. Therefore, we'll move now to section 2. Is there any discussion on section 2?

Mr Colle: In the incorporation, it says "under the name 'City of Toronto'" on January 1, 1998. Certainly I'm going to ask members of the committee to vote against that because this basically contradicts the emphatic statement of the 400,000 people on March 3 who voted No to change the names of their cities. It's an affront certainly to the people of North York, Scarborough, Etobicoke, the borough of East York. In fact, the people of the city of Toronto have said they don't want their city's name taken away from them and given to the megacity creation of the Conservative government.

I would certainly urge that subsection (1) be voted against because it is contrary to the will of the people. They've given reasons why the government should not take away the names of their cities and usurp a name that has a long tradition, going back over 160 years as a city and even before then. It would be an affront for this government to take away that name and basically use it to give a veneer to the megacity, to think that people will forget it still is a megacity. That's what people do not want. They don't want in any way to be insulted by using the name of the city of Toronto for this proposed megacity. Whether it be East York or North York, they don't want this affront to continue by taking a name that means a lot to people.

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The Chair: Just for clarification, before I move to Mr Silipo, to vote against subsection 2(1), you have to vote against the entire section.

Mr Colle: Excuse me, just on a point of order, Mr Chair: Do I then talk to each part of section 2 or do I get a chance to come back to 2(2)?

The Chair: Normally you should do it all at once and speak to your points on section 2, but since I've recognized Mr Silipo, unless he wants me to go back to Mr Colle —

Mr Silipo: Mr Colle has more to say than I do.

Mr Colle: Subsection 2(2): "The body corporate is a city and a local municipality for all purposes." This is a ludicrous assertion. It's no longer a local government because this act basically abolishes local government. Therefore, it is a total contradiction. In essence, what you have here is a hybrid of a regional government or some new kind of entity, but it certainly is not local in any way, shape or form, and the people have said emphatically that they don't consider this megacity proposal to be a local government.

Board of control, subsection 2(3): "Despite subsection 64(1) of the Municipal Act, the new city shall not have a board of control." This is an imposition on a new megacity, if it ever comes to pass, dictating that government in essence will not be able to determine whether it wants a board of control. To take that right away from that future government is contrary to the basic principles of local governments, where they decide for themselves what is the best way to structure their governments.

For the government to dictate that they shall not have a board of control is usurping the power of the people who elect local councils and also the people themselves, who should have a role in that. To take that right away is contrary to what local government is all about. We've had boards of control in the past. I know North York has had them, and the city of York; Toronto has had boards of control. You have historical precedence for that.

Also subsection (4): "The new city stands in the place of the old municipalities for all purposes." This is at the core of what people are saying no to. They don't agree to the so-called new city. In fact, they don't even consider it a new city. They consider it, as I said, a conglomeration of what the government is creating, is concocting, and "in place of the old municipalities for all purposes." The public has been emphatic. They don't want their old municipalities replaced, in place for all purposes. They've said that emphatically in these hearings. They don't want that to happen.

Clause 2(5)(b) says, "all the assets and liabilities that the old municipalities had on December 31, 1997, are vested in and become assets and liabilities of the new city on January 1, 1998, without compensation." This is basically expropriation by the megacity of the assets which belong to the citizens of those cities. This government through this legislation has no right to expropriate these assets and certainly not to do it without compensation, because the people have spoken emphatically that they don't want this megacity to proceed and certainly they wouldn't want their assets taken away from them without compensation.

Those are the points I wanted to make on section 2 and that is why I would urge you to vote against the whole major section 2.

Mr Silipo: What's in a name, right? Subsection 2(1) constitutes the new city of Toronto, la cité de Toronto in French. But of course it goes back to the definition sections, which is why I made the request and I appreci-

ate the agreement of the committee to delay dealing with section 1. The urban area is what's being constituted as the city of Toronto and the urban area is the whole of Metropolitan Toronto. So here you have under subsection 2(1) the nub of the decision. There are important pieces that follow, but subsection 2(1) is really what changes the various municipalities in Metropolitan Toronto into the one large megacity.

For that reason I will oppose it. I would urge members of the committee to oppose it and I would urge particularly members of the government caucus to use this as the occasion to show that they are listening, if they are listening, by defeating this section and by at least holding out the possibility that they are serious when they say they are reflecting on the results of the referendum.

Mr Sergio: I'll make my general comment on the entire bill, instead of going clause by clause because I don't think I can add anything to what has already been said, not only by myself but by everybody. I would rather see at this stage that perhaps we should move on and let the people know where we stand and let the people know where you stand. Let's go clause-by-clause, let's vote on clause-by-clause and let's cut this bit short because I think we know at the end of the day what you people want to do and I don't think we have to prolong the agony. That's my point. I would be prepared to go to clause-by-clause right now without further debate.

The Chair: This clause, though, is before us. I don't know how the committee members feel about that.

Mr Gilchrist: Put the question.

The Chair: Mr Sergio has suggested we put the question on all of the sections, 2 through 31, right now.

Mr Silipo: No.

Mr Sergio: I was only joking.

The Chair: Any further debate on section 2? Seeing none, shall section 2 carry?

Mr Silipo: Recorded vote.

Ayes

Ford, Gilchrist, Kells, Newman, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Sergio, Silipo.

The Chair: I declare the section carried.

Moving to section 3, any discussion on section 3?

Mr Colle: On section 3, some reiteration of what a lot of the deputants said over and over again, just to remind the committee of what they said: The head of this new council will not really be a mayor; it'll be more like another Premier who in essence will require millions of dollars to run and will be wiping out the locally elected mayors who can be open to people from the general public.

It'll be essentially a mega-mayor, only open to special interest groups. As I've said many times, you'll need a limo, a lawyer or a lobbyist to make an appointment with this new mega-mayor, him or her. That's not what the people want, and they said that on March 3.

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In terms of 44 members, this is a 60% reduction in the number of representatives in Metropolitan Toronto. It is

the downsizing of democracy, it is a taking away of representation, and it's an affront to people who believe that they want locally elected councillors they can access. This dramatic reduction and taking away of locally elected officials and local mayors and replacing them, going from 106 to 44, or 45 with the mayor, is in no way adequate. The public over and over again has said they want their representation and they don't want it downsized and ripped out with a 60% reduction in democracy in Metropolitan Toronto in the six communities.

In terms of other parts of this section, the other thing is in terms of the way this has been folded into the federal boundaries. Arbitrarily, without giving the people of Metropolitan Toronto any say in this, this government has said, "Local government will now be fixed on federal boundaries." The ultimate order is in the hands of the minister. It says in part — excuse me, I'm down to section 4 and I was on 3; I was a little bit ahead of myself.

The main objection to section 3 is that it essentially links with the whole approach of this act, which is to decimate local democracy and local representation and put in a corporate body that will be in essence a puppet government because the minister and his trustees and transition team will be appointing the chief bureaucrats of this new corporate entity. Therefore, not only will the civil service of this new corporate entity called megacity be unaccountable, but their local representation will be dramatically reduced, therefore, giving even more power to the appointed trustees and transition team who will be hiring all the new heads of the departments and setting up the structures of each department in this new corporate megacity.

That is contrary to what almost all the deputants said and what people have been saying at public meetings. They don't want a corporate megacity governing their local communities. They want a representative local government that is accountable to them and not the minister only and appointed bureaucrats like the transition team and the illegal trustees. They've said emphatically no to that.

Mr Silipo: Very briefly, section 3 is the section that sets up the membership of the new council. I won't repeat the points Mr Colle has made, with which I generally agree, but I know that some reaction from the government caucus has already been heard against our proposal to delay the municipal elections for one year to allow real process and to allow citizens to be involved in discussing what should happen, not just with respect to the future of local municipalities but also with respect to the real problem, which is how we govern and deliver services through the whole greater Toronto area.

Despite that initial opposition, I note with some interest that under subsection (1) there is an extension of the term by one month. I realize one month is different than nine months, but the concept of extending here to facilitate implementation of this bill, as the government sees it, is already there. I would just ask again, members of the government in particular, to consider seriously our suggestion to delay the municipal elections by one year, as a way to actually get at some real solutions to the problem.

The Chair: Any further discussion? Seeing none, I'll put the question.

Mr Silipo: A recorded vote.

Ayes

Ford, Gilchrist, Kells, Munro, Newman, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Silipo.

The Chair: I declare section 3 carried.

Moving to section 4, any discussion?

Mr Silipo: This is actually one section where I hope the government members are reading it and actually looking at what it means, because there is a very clear error in the schedule. I assume it's an error. I think the minister acknowledged in a question we put to him in the House that it was an error, because they've omitted the federal riding of Broadview-Greenwood from the schedule and put in its place instead York North. If this were to carry, you'd have the peculiar situation where the new city that you would be creating would not have Broadview-Greenwood. They might be happy with that, actually, but you would have the riding of York North, which is in York region.

I would hope at least on this section the government members would see their way to voting against it as a way of acknowledging that there's been a mistake.

Mr Gilchrist: Mr Silipo, we certainly do acknowledge the gremlins crept into the drafting on this one. In fact, there will be one other amendment brought forward when we're in committee of the whole House. Since the bill was first prepared the federal government has renamed one of its ridings. You will recall that under the Fewer Politicians Act we are using identical names. It's described as Beaches-Woodbine and it's now called Beaches-East York. I can confirm that those two amendments will be brought forward.

Just as an aside, voting on the section does not vote on the schedule. The schedule would be voted on later. I think your point relates more to the vote on the schedule later, not on the section itself.

Mr Silipo: Fine, we'll do it in the schedule.

Mr Colle: I'll certainly be voting against this section. It imposes the wards by the minister and this is not what the people want.

The Chair: Any further discussion on section 4? Seeing none, I'll put the question.

Mr Marchese: A recorded vote.

Ayes

Ford, Gilchrist, Kells, Munro, Newman, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Silipo.

The Chair: I declare section 4 carried.

Moving to section 5, any discussion? Seeing none, I'll put the question.

Mr Silipo: A recorded vote.

Ayes

Ford, Gilchrist, Kells, Munro, Newman, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Silipo.

The Chair: I declare section 5 carried.

Moving to section 6, any discussion on section 6?

Mr Silipo: Just last night we heard from CUPE Local 1, I believe, the union representing workers for Toronto Hydro. This section 6 deals with creating, in effect, one hydro-electric power commission for the whole megacity, as opposed to the separate ones that exist now. They pointed out very clearly the problems that would be encountered in moving in that direction, the additional costs in terms of moulding the systems together — or the additional cost if you kept the systems separate — that there would be continuing to manage it as one system.

I think it's one particular section of the bill that should give the government members some pause for reflection and I hope at this point in time that they would be prepared to vote against it.

Mr Colle: It is interesting in this that from day one, the government, the minister mentioned that 72% of the services, the expenses for those services in the six cities in Metro were amalgamated. This is what they kept repeating but it was found to be basically a false figure because they happened to overlook a \$1.9-billion part of the budget that is not amalgamated, and this is the six hydro-electric commissions. They kept on using that figure to show that most services were amalgamated. They certainly did include the TTC, which is a commission, as part of their figures. They didn't even examine what the implications of \$1.9 billion would be on this proposal. It's just another slight oversight in terms of the government's rush to judgement here.

Obviously, if they couldn't even appreciate the \$1.9 billion in budgets for these commissions, what kind of credence can you give that they know what they're talking about in terms of changing them into mega-commissions? I'll certainly be voting against it.

The Chair: Any further discussion? Seeing none, I'll put the question.

Shall section 6 carry? All those in favour? Opposed? I declare section 6 carried.

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Section 7. Any discussion? Seeing none, I'll put the question. Shall section 7 carry? All those in favour? Opposed? I declare section 7 carried.

Section 8. Any discussion? Seeing none, I'll put the question. Shall section 8 carry? All those in favour? Opposed? I declare the section carried.

Section 9. Any discussion?

Mr Silipo: Section 9 establishes the board of trustees and sets out in great detail, in about 10 subsections, many of the powers, although those are continued also under the next section, section 10. Without getting into a lot of the details of this because we've had this discussion throughout the hearings, this has been an area of major concern. I think the government has indicated already that they intend to make some amendments to this section.

I want to say for the record that when I asked the minister in the House a week ago today what changes he was contemplating — that was the same day there had been a story in the *Toronto Star* outlining a number of changes — he said to me simply that they were looking at some changes. I found it interesting that just the day after, when Mr Gilchrist, Mr Colle and I were at TVO to tape a program, when Steve Paikin, the host of that program, asked the minister the same question, he gave him a very detailed answer of the kind of amendments that he was not only contemplating but was very likely to bring forward in this area. Those include dealing with some of the retroactive provisions of the trustees, doing away with some of the more draconian measures in this part of the bill.

I find it interesting, first of all, that the minister continues to show his disrespect for the Legislature by refusing to answer questions when a member of the opposition asks him, yet is quite comfortable in answering the same question in great detail when a member of the media asks him the question. It shows you the kind of attitude the government has and particularly this minister has. They should continue, in my view, to answer questions from the media — that's part of the responsibility of being in government — but they should also answer questions when members of the Legislative Assembly put those to them.

Given that the government has already indicated through the minister that there will be significant changes to this section, here is a great opportunity for the government members to show that they really are true to their word when they say they are reflecting and are thinking. For the time being, just vote against this section, do away with the section, take it out of the bill in the way we report it, if you intend to replace it with something else, if you intend to remove some of the draconian measures in here, the powers of the trustees.

We believe you don't even need to have trustees. Even if you intend to persist with your crazy notion of the megacity, you don't have to have trustees. When we asked the minister at the beginning of this process what was really the point of having trustees, he said: "Really, we just want to protect the property that's there. We want to make sure that nothing untoward happens." You can do that, quite frankly, with a simple provision in the bill that says municipalities aren't allowed to do X and Y. You don't need to have a group of unelected people overseeing the elected officials of the various municipalities in Metropolitan Toronto for the next year.

The minister still retains powers under the Municipal Act to deal with situations where there are real problems, which, as members know, is the only case where the role of trusteeship is in any way justified. It's not justified when you have councils duly elected continuing to perform their duties. The whole section shouldn't be here, but since you yourself have indicated that you are willing to make some changes to this whole section, at least today give that some credibility by voting against this section. I would request a recorded vote on this, Chair.

The Chair: We're not ready to have that vote yet, though. We have Mr Colle next.

Mr Colle: As you know, this is one of the most typical aspects of this bill, which demonstrates what this bill is all about and what this government is all about. I remember that in the House the day the bill was introduced or the day afterwards, I asked the minister whether he was using his royal prerogative in appointing these trustees and giving these trustees retroactive power over the municipalities and saying the power of the trustees was legislated before the bill was passed. In other words, on December 17 when this bill was introduced, the minister said the trustees could have power before the Legislature even dealt with it. I remember his comment on that day was, "This type of thing happens all the time." He continued on, and the trustees met behind closed doors, they went to the councils. They basically were working despite the warning that they would probably be violating the law. The minister continued to allow them to work, continued to have them conduct their affairs.

What I found most disturbing is that as a committee we only asked three witnesses to come before us; that's all we asked for. We've asked three times, and each time these trustees have said no to this committee. They will not come before this committee. That is one of the most disgusting things I've seen. I think you've done a good job as Chair of this committee, but for those three trustees not to have even the courtesy to come before the committee and come out of hiding to see what they've done — my concern is that these trustees have hired staff, they were instructed by the minister to hire an accounting firm, they had legal help. Are the legal help and staff still working despite the court order saying they were null and void? We weren't able to ask them that question because they refused to come here. I think that's an affront to this committee, and it is typical of how these trustees are an affront to this whole process.

The judge said about these trustees, "It seems to me contrary to fundamental principles of responsible government." Do you know what the government's defence was? The Attorney General's representative responded "that these appointments were made not pursuant to the City of Toronto Act," — they couldn't do that because the act wasn't passed, they realized — but "in the exercise of the crown's prerogative." That is what the minister's defence was, that they were using their royal prerogative to make these people take control over the six cities and Metro the day the bill was tabled, before the bill was passed, and then basically conduct these affairs behind closed doors.

Whenever we have a judge rule that a major part of an act is illegal, null and void — if you members of this committee vote in favour of section 9, I think you're basically in contempt of court, because the essence of section 9 is the trustees. If you haven't read the ruling:

"I conclude that the orders in council of December 18...were made without authority and are of no legal effect. The appointments are therefore void. The appointees' actions have no legal effect until they are appointed pursuant to a statute."

In this statute that you're going to vote for, in section 9, it basically says, "There shall be a board of trustees consisting of one or more members appointed by the

Lieutenant Governor.” You’ve got the court saying they’re illegal, null and void, so if you vote for this section, I charge that you’re in contempt of court because you’re essentially violating a judgement of Judge Brennan. It’s clear and explicit. If you vote in favour of section 9, especially when the parliamentary assistant and the minister said they’re going to change it because they’ve been caught, if you vote in favour of this section, in essence what you’re saying is: “I don’t care what the courts say. We’re just going to do what we’re told to do and we’re going to vote.”

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Mr Parker: We have legal counsel sitting here. I wonder if she would comment on your legal opinion.

The Chair: Order. Mr Colle has the floor.

Mr Colle: It’s very clear: a court ruling. It’s not the opposition. All the deputants have said the same thing about the trustees being illegal, abhorrent, anti-democratic. Now we have another test for this committee: whether you vote for section 9 or follow the court, follow the people, in saying that these trustees were null and void, had no power and certainly shouldn’t have been given power, as the minister tried to on December 17, before the bill was even passed.

Mr Gilchrist: I’ll make a few comments that apply equally to sections 10 and 11 as well, given that they also deal with the trustees. Let me start off by saying that I think Mr Colle continues to cross the lines of good taste and malign the character and integrity of the three individuals, three very respected former civil servants. I think his interpretation of the facts is totally out of sync with reality.

The fact that they could not attend prior to the court ruling was based strictly on what the legal staff had told them. It’s quite appropriate that they couldn’t comment while the lawsuit was pending. The moment the lawsuit was rendered, a judgement on the orders in council, strictly the way they were hired as an advisory board, had nothing to do with this bill.

As you yourself just read into the record, Mr Colle, the judge himself said once the bill is passed, they have absolutely every right to do what the bill proposes they do.

Mr Colle: Read the judgement.

Mr Gilchrist: I have read it. As you’ve just kindly read into the record, that confirms my point.

The fact of the matter is, as an advisory board, they did not have accounting services. You continue to misspeak yourself on that matter as well. One of these days, perhaps you will check your sources before you keep making statements on the record. I know you’re protected by parliamentary privilege, but I don’t think that should be any kind of blanket coverage to keep misspeaking the facts here.

Mr Colle: On a point of personal privilege, Mr Chair.

The Chair: Mr Colle, if you’d like to go back on the list, I can put you on the list.

Mr Colle: No. On a point of personal privilege, Chair: This member has basically said I am not telling the truth. I want to read to him in the record what his own — I want to read this in the record, because I’m sick and tired of you misleading the public.

The Chair: Order, please. Mr Colle, the point of privilege in committee has to be referred to the House.

Mr Colle: He’s just told me I’m not telling the truth and I want to quote what his own minister said.

The Chair: You can have debate and you can refute what he’s just said by getting back on the list after he speaks. You can refute at that point in time. Mr Gilchrist has the floor. If you want to refute what he said, you get back on the list; that’s the way you do that.

Mr Colle: I can argue a point of privilege. I have a point of privilege. I want to move it.

Mr Gilchrist: You have a fact that refutes my fact; that they did retain accounting services?

The Chair: We have a point of privilege here. You have to move it. It has to be debated and voted on in the committee and then it has to be reported back to the House. I don’t make a ruling on privilege.

Mr Colle: Excuse me, Mr Chair, but I thought the same rules apply as in the House. If I have a point of privilege, I can stand up in the House —

The Chair: In the standing orders that govern a committee, that’s the case with privilege.

Mr Colle: What would you like to say?

Mr Newman: I just want to say that it’s fine for you to make accusations about —

The Chair: Order, Mr Newman.

Mr Colle: Can I just say my point of privilege?

Mr Gilchrist: The Chair has just ruled. Now you’re in contempt of the Chair.

The Chair: You can put a point of privilege, but I can’t rule on a point of privilege. The committee has to vote on a point of privilege and it has to go before the House.

Mr Colle: Therefore, I can put my point of privilege.

The Chair: You can state what your point of privilege is without — I’m not going to entertain a debate about who said what, though.

Mr Colle: I can put my point of privilege. On December 17, 1996, under the Ministry of Municipal Affairs and Housing, a letter was sent under Minister Al Leach’s signature to all councils. It’s in the fifth paragraph. That was on December 17, when they were given power by the minister.

“I have asked Jack Pickard, former treasurer of Metro, Val Gibbons, a former provincial deputy minister, and Cy Armstrong, the former CAO of Edmonton and Hamilton-Wentworth to act as the board of trustees.

“They will be retaining the services of a major accounting firm to assist them with their task.”

How am I to find out whether or not this firm was hired when the trustees refuse to come before this committee and deny that, when the minister has not given us any instructions that would refute that and in the letter it says they will be retaining the services of an accounting firm? I asked the trustees to come here and refute that. They didn’t come. I just want to put that on the record.

The Chair: You asked that question yesterday and Mr Gilchrist undertook to provide an answer on that and I think actually during the discussion on this section that is what he’s doing. Okay?

Mr Gilchrist: You got your answer. Are you done interjecting?

The Chair: Mr Gilchrist, continue.

Mr Gilchrist: Thank you. I guess the other thing you could have done is what I have done: Turn to the staff member from the ministry and simply ask. Amazing to have had the facts at your disposal instead of the supposition; but the facts are they didn't do it.

Mr Colle: Why didn't they come here then?

Mr Gilchrist: Why didn't you ask the staff? They would have given you the same answer they gave me. There's been a staff member here every minute of these hearings.

Mr Colle: You are intimidating the staff members.

Mr Gilchrist: Oh, get serious.

The Chair: Mr Gilchrist has the floor. Speak to the section.

Mr Gilchrist: Thank you, Chair. Let me go back to section 9, and 10 and 11 as well. To Mr Silipo, who was here when we started first thing this morning — some of the other members were not — let me repeat what I said then. We certainly did hear the concerns of people, particularly about the sections dealing with the trustees. As the minister has stated in the press and in the House, we have heard those concerns expressed and many people took the time to couch them in very specific terms. To them we are grateful and we have crafted some amendments, but as I mentioned earlier, we hope to take the next three weeks to give further consideration to just how considerable the changes should be to these sections.

I am very confident that at the end of the process and by the time we come back to committee of the whole House all the substantive concerns people had and all of the, I believe, unfounded accusations that were levelled about what the trustees could do and might do, and in a worst-case scenario had the power to do, will be dealt with very directly.

It will be very clear that if there is any kind of oversight at all it would be purely and simply as protection for the taxpayers of these cities. It would not involve any reduction in the powers and the ability of the councils to do their good works. But at the end of the day, in the transition period it is appropriate that there be some oversight. We have heard the specific concerns expressed for sections 9, 10 and 11, and I certainly give an undertaking to all the members that they will see amendments that deal with those concerns very directly.

Mr Sergio: This is perhaps the clause that gets to the real heart of the entire matter here. There is no other clause, in my view, that is more offensive than this one here. I will read you the one that really turns me off. It's clause (c) when it says, "review 1997 operating and capital budget under section 11" — and the parliamentary assistant is quite correct that section 9 deals also with 10 and 11 — "and amend and approve them when the board considers appropriate."

This is the big problem here with the entire situation that gives the power. The minister has said, "When we approve the bill, we're going to bring the trustees back." They will have to deal with this section here and subsection here as well. They can tell the local municipalities that they can amend their capital and operating budgets

and approve or not approve of them at their discretion, in their own time, at their own consideration.

1150

Ultimately, what are the taxpayers supposed to do? Are they going to get a tax bill, or will they not be getting a tax bill? Will the local municipalities and councils deal with the budgets in good faith, or will they not? How are they going to be dealing ultimately? Will they be sending a tax bill, what they will be paying for? Will they be getting another subsequent tax bill at the middle of the year and one in the fall? Has this been really thought out by the minister? Has it really been thought out by the government? I don't think so. When the minister says: "That's okay. Don't worry about it. We'll respect the court decision, but this is what we're going to do once we approve of the bill. We're going to bring the trustees back with the same authority."

I hope you people take into consideration that local councils in March, April, whenever they deal with the budgets, will have to deal according to the needs of the particular community, right? They will be sending the tax bill accordingly. But you will have in place, and you have just said yes, that the minister is going to reappoint them with the same power, and they can change all of that. This is most offensive, this is an imposition on the local council and this is something that the local taxpayer should not be subject to. I hope you will vote against the entire clause.

Mr Newman: In response to Mr Colle speaking on Judge Brennan's ruling, I might want to suggest to Mr Colle that he actually read the judge's ruling, because he read a section today that I think answered his own question that he had. That question was on the existence of the trustees. If he'd read Judge Brennan's ruling, he would have seen that the ruling dealt only with the orders in council; in other words, the certificates deciding on the appointment of those three individuals. That's what it was all about. He didn't rule that the trustees were not in order. What he ruled on was the orders in council. If you read the whole judgement, you would see, Mr Colle, that it's all about the orders in council, not the existence of trustees. It's based on the orders in council. Read the entire decision.

Mr Colle: The trustees are null and void.

Mr Newman: Read the entire decision.

Interjection: Mike, if you don't believe us, ask Annamarie. She'll tell you.

Mr Newman: What I might want to suggest, there's a lawyer right beside you. Ask her. Maybe she can tell you, because she's been very silent on this issue.

I respect your opinion if you don't like the trustees. I can accept that. But when we're talking about a legal judgment here that deals with the orders in council and not the existence of the trustees, I think you'd be the first to agree with me, if you read through it. We can talk about this later, but if you read through it you'll see that it's about the orders in council, not the trustees. I respect your opinion on not liking them, but re-read the judge's ruling.

Ms Castrilli: I'd like to respond to Mr Newman by saying that I will not be silent on this issue. Let me tell you what the judgment does say. The judgment says that

this government, a democratically elected government, had the nerve to go to court and say, "We have a royal prerogative to do something that the statute does not allow us to do." That's what the government did. No democratically elected government in this century has ever done that. No court has ever found another government guilty of that, has never had to deal with the issue that a government thinks it has the divine right to rule. That's what the judgment said.

Mr Newman: What did the judge say?

The Chair: Mr Newman, order.

Ms Castrilli: Let's be very clear about that.

I want to respond to Mr Gilchrist, for just a minute, with respect to section 9. I won't deal with the substance of it. The substance of it is offensive enough. This points to a classic problem. Here we are discussing a section of the bill which for all intents and purposes may not look like this at all when it comes back to the committee of the whole. We've already been told there are parts that are objectionable, there are parts that may be ultra vires and there are going to be amendments. We don't have those amendments. We will have one hour at the end of it to discuss all of the amendments. That to me is unfathomable and I will vote against this section.

The Chair: Any further discussion on section 9?

Mr Silipo: A recorded vote, Chairman.

The Chair: Seeing none, I'll put the question.

Ayes

Ford, Gilchrist, Kells, Munro, Newman, O'Toole, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Sergio, Silipo.

The Chair: I declare the motion carried.

Mr Sergio: Can I ask that they be all recorded votes?

The Chair: Yes, you can.

Section 10: Any discussion on section 10? Shall section 10 carry?

Ayes

Ford, Gilchrist, Kells, Munro, Newman, O'Toole, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Sergio, Silipo.

The Chair: I declare section 10 carried.

Mr Sergio: You didn't count their votes.

Ms Castrilli: Mr Chair, I take notice of the audience participation voting against.

The Chair: Thank you very much, Ms Castrilli.

Section 11: Any discussion on section 11? Seeing none, I will put the question: Shall section 11 carry?

Ayes

Ford, Gilchrist, Kells, Munro, Newman, O'Toole, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Sergio, Silipo.

The Chair: I declare section 11 carried.

Section 12: Is there any discussion on section 12?

Mr Silipo: Briefly, this is probably the most offensive of all the sections in here, because this is the section that says, "The decisions of the board of trustees are final and shall not be reviewed or questioned by a court." It also is one of the sections that I believe the minister indicated they likely would change. So again I would say to the government members, if no other section, this is the one section, if you've heard anything, that you should be saying no to at this point.

Mr Colle: This was the interesting interjection when Mr Gilchrist, the parliamentary assistant, said during the hearings that this is the type of power all civil servants get in a normal state of affairs. This is the section that puts these trustees as a transition team above the law. These are the people appointed by the minister who would establish the running of this government whom Judge Brennan said were null and void. This is the section that, again, totally contradicts basic democratic premises of saying governments shouldn't be above the law, civil servants shouldn't be above the law and certainly appointed trustees shouldn't be above the law.

Let me read it again, and how offensive it is, "The decisions of the board of trustees are final and shall not be reviewed or" — not even reviewed — "questioned by a court." How more offensive can you get? I asked for an example from the legal staff of municipal affairs, if there's another bill which has a similar section. His response was no. This is the first time in the history of this province that there is such a section. The decisions of appointed bureaucrats "shall not be reviewed or questioned by a court." That is why people are so disgusted with this bill. No bill or trustees or government should be above the law or above being questioned by a court, because what that means is that people have no recourse. That's what this section does and that's why it's the most abhorrent part of an abhorrent megacity bill.

Mr Marchese: Very quickly, Mr Gilchrist has said that he's heard the concerns and that they have crafted amendments — which obviously they don't have today but another day they'll bring them — and that all substantive concerns the people have had are being dealt with. I tell you, the most substantive one is to withdraw the entire bill, but if they cherry-pick, as they are clearly doing, this is one of the more substantive things that people spoke about in this committee. I hope they listen to that as well.

Mr Gilchrist: I'm pleased to respond to Mr Marchese's last comments. I could have added section 12 when I said sections 9 through 11, and I will add it. I certainly can confirm that there will be further consideration of everything in section 12 as well.

Interruption.

The Chair: Order, please, ladies and gentlemen. Any further discussion on section 12?

Ms Castrilli: This is really a matter of what a government has the power to do. I will remind you again that you do not have the power to put yourself or any body that you appoint above the law. I would appeal to your sense of justice, to your sense of fairness to look carefully at this section and vote against it. There is no reason-

ableness basis upon which you should vote for this section unless you believe in dictatorship.

Interruption.

The Chair: Order, please, ladies and gentlemen. Any further discussion? Seeing none, I'll put the question: Shall section 12 carry?

Ayes

Ford, Gilchrist, Kells, Munro, Newman, O'Toole, Parker, Tascona.

Nays

Castrilli, Colle, Marchese, Sergio, Silipo.

The Chair: I declare the section carried.

Interruption.

The Chair: Mr Sewell — we're going to recess for lunch. I'm going to ask the audience to please leave because I've asked several times for order. We don't have order. When we come back from lunch — and I apologize to those who are staying in order — you'll have to watch from the overflow room if you want to. We're in recess until 3:30.

The committee recessed from 1201 to 1556.

The Chair: Welcome back for the afternoon session of the standing committee clause-by-clause analysis on Bill 103.

Mr Gilchrist: Mr Chair.

The Chair: Mr Gilchrist has a motion.

Mr Gilchrist: Having discussed the matter with representatives from all three parties, despite the unfortunate events that took place at noon and the violation of the rules of order and decorum at that time, and understanding that your ruling can only be overturned by a motion with the unanimous consent of all members, I move that we allow the audience back into the committee with the understanding, without any overriding specificity, that the standing orders require order and decorum at all times, and I would trust you to request such an observance of the rules from the audience once they're in. I move that the audience be permitted back into the hearings.

The Chair: For that to happen, we need unanimous consent. Do we have unanimous consent? We do have unanimous consent.

We'll take a two-minute recess and allow them into the room and make it clear to them that we suffered something bordering on grave disorder this morning — I don't think anyone will disagree with me on that — and if we have any disorder anywhere near that level, I'm going to remove everyone from the audience.

We have a two-minute recess.

The committee recessed from 1558 to 1602.

The Chair: Ladies and gentlemen, order, please. To the members of the media, I know that you know better than to interview people during a committee hearing. If you want to interview Mr Sewell, he can do that outside.

Ladies and gentlemen, just quickly in explanation, because of the disorder we had at the end of the morning session — many of you were here for that; some of you may not have been — I was very clear all morning long

talking about disorder and that I wasn't going to pick individuals if I could help it, and if we had too much disorder, that unfortunately I was going to ask everyone to leave. We had what was bordering on grave disorder at noon. I made a ruling that the audience would not be allowed back in, that they would have to go to the overflow room for this afternoon's hearings. After much discussion from the subcommittee and on unanimous consent by the committee members, they have agreed to allow an audience back into the room.

But there is to be order in the room. As I've told you for five weeks — and I see many of you nodding your heads, and I've been very clear and very fair about this the whole time — I am bound to keep order in the room. Any time we get to a point where we're having disorder, where we have catcalls when members try to make statements — they have a right to make statements and have debate without being shouted at from the audience — any time that happens — I'm going to say it right now, because I said it several times this morning; I'll repeat it again — I'm not going to pick individuals out; if we have disorder coming from the crowd, I'm going to have to ask the crowd to leave.

So if you're sitting beside someone who is not respecting the rules of the Legislature, which all of the members of the Legislature have written over the years, please nudge them in the ribs and ask them to calm down and come to order. Thank you very much.

We are now on section 13. Any discussion? Mr Silipo.

Mr Silipo: I think we have the continuing request from this morning to deal with these, when we get to the vote, with recorded votes. I'm assuming that still carries from this morning.

This is section 13, which deals with the application or non-application of freedom of information to the proceedings of the board of trustees. You'll recall this morning, Chair, that one of the things that I think, to be fair, upset people was the fact that in voting through each of these motions, we arrived at section 12, which is the section that says that the decisions of the board of trustees are final and not to be reviewed or questioned by a court.

I and others were making the point this morning in committee that that, among others, was a good section for the committee members of the government side particularly to show some good faith on, to show that they've heard something during the referendum.

If you're not prepared to withdraw the whole bill at this point — and I asked the Premier this afternoon, you'll know, to at least allow you to not report the bill back at the end of this process, and I hope people are giving some thought to that. But in the meantime, voting against some provisions of the bill, like that one, is at least a small step you can take towards showing that you understand to some extent and appreciate what's been going on over the last number of days and weeks.

I would make the same argument, without belabouring the point, with respect to section 13, that here is another occasions for the members of the government side particularly to say, "We're prepared to make a change by not recommending this section back to the Legislature."

The Chair: Any further discussion? Seeing no further discussion, I'll put the question. Shall section 13 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare the motion carried and section 13 carried.

Section 14: Any discussion?

Mr Silipo: Section 14 is what I call the insult section of the bill. The rest of it is the injury, and this is the insult. It's an insult because this is a section that asks the new city under the proposed bill to actually pay for the expenses of the trustees. This government is going to impose trusteeship on the elected representatives in Metropolitan Toronto, and then you're going to ask the citizens of Metropolitan Toronto to pay for that as well. I think it's more than just an affront.

I think my memory serves me correctly in saying that this is one of those areas where the minister himself indicated he's prepared to make some changes. It would be useful to see some good faith from the government caucus in rejecting section 14.

Mr Colle: I just hope that the existing local councils are instructed not to pay any of the bills of the trustees. As you know, Judge Brennan has ruled the trustees are null and void. I hope the minister has directed the Metropolitan Toronto government that it is not to pay for any of these expenses, since Judge Brennan ruled they're deemed to be null and void. I hope they have done that; I don't have any indication they have. But I'm certainly voting against that section also.

Mr Gilchrist: This is certainly one section where I can assure Mr Silipo he'll be very satisfied when he sees the amendments.

The Chair: Any further discussion?

Mr Silipo: Satisfy me today. Satisfy people today.

The Chair: Order, please. Any further discussion? Shall section 14 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 14 carried.

Section 15: Any discussion? Seeing none, all those in favour of section 15?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: Section 15 carries.

Section 16: Any discussion?

Mr Silipo: I actually have a question first before I make some comments, and I guess it would be directed to the parliamentary assistant. This is the section that establishes the transition team. Subsection (4) asks the transition team to "consider what further legislation may be required to implement this act, and make detailed recommendations to the minister." If this section is going to remain as it is, I ask the parliamentary assistant, when would he expect that legislation to come forward?

Mr Gilchrist: Mr Silipo, as the minister has said on a number of occasions, this bill provides the skeletal framework for the governance structure, and the technical and most of the transition issues would be dealt with in a City of Toronto Act version 2. The expectation would be that the transition team would work diligently after passage of this bill, and we would hope their recommendations would come back to us in time to introduce something in the spring to be debated in the fall, and I think that timetable is still doable.

1610

Mr Silipo: I would just say then, in terms of some comments, that just shows me how completely impractical this is, that you could actually think that you could, through those time lines, deal with the myriad of issues around implementation. It's just undoable. For that reason alone, this provision shouldn't be adopted, nor should it be adopted when you look, under (4)(d), at the fact that this is the body that will be charged — again, an appointed group of people, not the elected people — will be given the task of hiring the department heads for the new city and other employees as they deem appropriate.

So you're going to have another set of appointed people setting in place the structure and hiring the people who are going to be the senior staff people for the city. That's something that I think makes absolutely no sense whatsoever in terms of any sense of respecting the role of duly elected local officials. I'm assuming the government will come to its senses and make some changes to the section, within the context of the whole bill. Again, I would ask government members to show some good faith and oppose this section of the bill.

Mr Colle: In terms of this clause here, like the trustees, the transition team is also not subject to the courts. I would think that in the amendments, whatever the government is going to do in withdrawing this bill, that certainly should be considered.

In terms of the trustees, the transition team with these powers given to it establishes in essence the new government. It will hire the department heads and other employees, and the new council is to be bound, it seems, by these transition team decisions. In essence, what you're basically establishing is that the next government you're proposing will be a puppet government that will be controlled by this transition team that will be handpicked by the minister. There's no way this section should be supported. It should be completely withdrawn.

Mr Gilchrist: Just to clarify something for Mr Colle, it has been said before in these hearings and by the minister, and I'll repeat it again, that every issue the transition team deals with will be advisory or in the form of a recommendation. The new council will have to adopt them at its first meeting, and accordingly, if the new

council disagrees with any of the decisions, including the hiring that has been done by the transition team, it can overturn those decisions literally at its first council meeting, which is assumed to be January 2, 1998.

Mr Sergio: Just briefly, that is why this thing isn't really going to fly, because you're going to have a council that is going to be elected sometime in November. Then the transition team is going to tell those councillors what to do and what not to do, and all in December, by January 1, 1998. It deals with releasing of information, releasing of reports, a number of things; it even deals with access to private information as well.

How can you compile all of that in a month's time, Christmas and New Year's holidays, stuff like that? This is one reason this is not going to work: You people are going too fast. We are saying: "Send it back. Take your time and do it right." By pushing it like this, you are not going to get it right, so I hope you will not support this section.

The Chair: Is there any further discussion on section 16? Seeing none, I'll put the question. Shall section 16 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare the section carried.

Section 17: Any discussion?

Mr Colle: Section 17 in essence continues the formation of this puppet government. As it states here in section 1, "The transition team and the person shall agree on the terms of employment, and the new city is bound by the resulting employment contract." What you have is this transition team is going to hire heads of departments, senior bureaucrats and those senior bureaucrats will be forced upon the new government. The only way out of it is by having huge severance contracts to get rid of the appointed, hired transition team department heads. So the transition team will impose department heads and key staff on the new government.

How will this new government be independent if the transition team is handpicked by Mr Leach and then the transition team in turn handpicks the department heads and then the new megacity government is bound, as it says in section 1, by the resulting employment contract? That is the essence of why this whole section should be struck and is certainly not in any way, shape or form giving any autonomy to this proposed new megacity government.

Mr Silipo: A question to the parliamentary assistant: I thought earlier on he said that the people who would be hired by the transition team would only remain employees of the new city if the new city agreed. Paragraph 1 of section 17 doesn't say that. It says the new city would be bound by the resulting employment contract. So how does this subsection square with what Mr Gilchrist is saying? Is he saying there'll be an amendment to this?

Mr Gilchrist: Mr Silipo, for example, it would be quite appropriate for the transitional team to offer a conditional contract to someone saying, "Conditional to the approval at the first council meeting, you will be the new," fill in the blank, "head of the administration." Clearly the council would then have the ability to ratify on January 2.

You could argue they're bound for one day. Their first scheduled council meeting is expected to be January 2 and they will ratify all the decisions that the transition team has made. A conditional hiring contract obviously will require the approval of the council in order to continue to carry on, in effect, and if someone agrees to become the new head of the administrative offices, then they know that up front when they say yes.

Mr Silipo: But I don't see any place in this bill where it suggests or states that the transition team can only give people conditional contracts. What I see the legislation saying very clearly is that the transition team hires the senior bureaucracy and gives them a contract and the new council is bound by that contract. There are — and I can point them out to the parliamentary assistant — at least a couple of provisions later in the bill that say very clearly the provisions of this bill supersede any other provisions or any other regulations.

So this is going to be the credo. This is what people will turn to if you pass it as it is. I don't understand how what is here meshes with what Mr Gilchrist is saying, unless he's prepared to indicate that this is an area where there will be amendment, in which case I would say to the government members, why approve this subsection if you're going to make some changes to it?

Mr Gilchrist: I can certainly take your request to clarify the wording under advisement and, as we've indicated earlier, if there aren't already amendments drafted that address your concerns directly, I'll undertake to make sure they're raised with the ministry staff.

The Chair: Any further discussion? Seeing none, I'll put the question. Shall section 17 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 17 carried.

Section 18: Discussion?

Mr Silipo: Section 18 is the equivalent to section 12. This is the section that gives the transition team the power to have their decisions held as final and not to be reviewed or questioned by a court.

I recall very clearly hearing the minister on TVO indicate that this is an area, together with section 12, that gives similar protection to the trustees. It puts these two groups of appointed people above the law, above the ability to be questioned in the normal way that even the minister himself is subject to be questioned through the court processes. So this is putting clearly people above the law. It's attempting to do that.

The minister has said that he's going to make some changes. I would say to the government members, this is clearly one of those issues where you should be able to show some good faith and not approve today something that your own minister has clearly said he's going to take out of the bill.

1620

Mr Sergio: On the same section, this is like the minister saying to the people, "Either my way or no way at all." We don't think this is fair. There should be no one with that power, that those people are not responsible to anyone other than the minister himself. I just can't see anyone from the government side or anyone, period, wanting to have those particular powers given to someone else and not be responsible to the very same people who ultimately pay their bills through their taxes and stuff like that.

It just doesn't make any sense. It is an affront. It's really offensive to the people. It's draconian at least and it's dictatorial. I hope you people take that seriously and vote it down.

Mr Colle: As you know, the government, through the media and this committee, has been saying that the transition team and the trustees are not above the law, but I want to read it into the record again for the public to be aware of it. Subsection 18(1): "The decisions of the transition team are final and shall not be reviewed or questioned by a court." This is the shadow government. The transition team will be in essence the government of the new megacity and they will not be subject to any review or questioning by a court.

Another onerous part about section 18 is subsection (2): "The Statutory Powers Procedure Act does not apply to the transition team."

So what you have is this shadow government. It doesn't have to abide by normal rules of natural justice as it conducts the affairs of government over the next year or two or three. That's what it means. In the Statutory Powers Procedure Act, simple things like "The parties to a proceeding shall be given reasonable notice of a hearing by tribunal" — they don't have to do that. What this does, the elimination of the Statutory Powers Procedure Act, is it says this transition team which is going to run the new megacity government doesn't have to notify the public, doesn't have to notify interested parties of the time and place of the hearings; they can be behind closed doors. They don't even have to give public accounting of what they've decided.

This transition team is even more onerous than the trusteeship because the trusteeship will only last for perhaps, who knows, a year. This transition team will last indefinitely, because they may go on beyond January 1, 1998. It's up to the minister's prerogative. They are going to be establishing the new government. They are going to be the real government. They don't have to basically follow the rules of common law, open due process.

If you look back at the McRuer commission that was set up to look at this type of intervention upon people's civil rights, that's why the Statutory Powers Procedure Act was introduced. This government is now taking us back about 20 years, before the McRuer commission

recommended the Statutory Powers Procedure Act. It hasn't been given much attention. As you know, we've had a hard time getting our point of view across, those of you who oppose this bill, because the print media has been so much a propagandist for this bill. But that is something I encourage you to look at and I hope it is not included in any way, shape or form in the future, the exclusion of the Statutory Powers Procedure Act, which adds to the onerous, draconian aspects of not being subject to judicial review. I just wanted to make sure the public is aware of that. They also exclude themselves from due process.

Mr Gilchrist: Mr Colle doesn't have to worry about taking a back seat in propaganda to any of the newspapers. Mr Colle, you know full well earlier in these hearings the legal branch advised that even when the Statutory Powers Procedure Act is not applied, natural justice still has to guide the activities of this and every other board.

Mr Silipo: Thank God for that.

Mr Gilchrist: In response to Mr Silipo's opening comments, I can assure you that, as with section 12, you will be similarly completely satisfied with the treatment in section 18 when the amendments are brought forward.

The Chair: Any further discussion?

Mr Colle: I just want to emphasize that this is quite unprecedented. This is going to be their municipal government if they are successful. This transition team will be basically the heart of the new megacity government. They are not subject to basic processes. For instance, the Statutory Powers Procedure Act deals with public hearings. You're going to have the management of the new megacity government — the decisions made by this transition team can't even be reviewed by the court, can't be questioned by the court. I can imagine if they had said, "The decisions of the transition team shall not be reviewed by a court," but they're saying not even questioned by a court. This transition team can't be questioned. You can imagine, if it can't be questioned by a court, what an ordinary citizen can question.

The Statutory Powers Procedure Act is a very detailed list of protections the public has which the McRuer commission saw fit to protect the public interest by giving you detailed protections to due process and open doors. They are basically shunting that aside and saying, "We're going back, before the McRuer commission decided to set up these protections for the public."

I just want to emphasize that, because it is part and parcel of a pattern of denial of the fact they're taking away due process and they're going to usurp a lot of basic rights we've established over the last couple of hundred years with this type of protections that we have fought to preserve.

The Chair: Any further discussion? Seeing none, I'll put the question. Shall section 18 carry?

Ayes

Ford, Gilchrist, Hastings, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare the section carried.

Interruption.

The Chair: Order, please, ladies and gentlemen.

Section 19: Any discussion? No discussion on section 19; I'll put the question. Shall section 19 carry?

Ayes

Ford, Gilchrist, Hastings, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 19 carried.

Section 20: Any discussion? Seeing none, I'll put the question. Shall section 20 carry?

Ayes

Ford, Gilchrist, Hastings, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 20 carried.

Section 21: Any discussion? Seeing none, I'll put the question. Shall section 21 carry?

Ayes

Ford, Gilchrist, Hastings, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 21 carried.

Section 22: Any discussion? Seeing none, I'll put the question. Shall section 22 carry?

Ayes

Ford, Gilchrist, Hastings, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 22 carried.

Section 23: Any discussion?

Mr Colle: This applies to the extra powers of the transition team: "The Minister shall designate a member of the transition team, or another person, to conduct the 1997 regular election."

The minister is going to handpick the person to run this election. Remember, if the transition team member runs the election, he or she is not to be questioned by a court. So you have a person handpicked by the minister who is going to run the election. It is going to be his or her role basically to decide a lot of very intricate details about recounts, about eligibility of voters. That person will not be able to be questioned. That person will be above the law. On top of that, the minister will handpick that person to do that.

On top of that, the costs of these elections will be paid by the taxpayers of Metropolitan Toronto.

1630

The Chair: Any further discussion? Seeing none, I'll put the question. Shall section 23 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 23 carried.

Section 24: Any discussion?

Mr Silipo: This is one of those subsections that I also find very offensive, because this is the one that gives the minister all the residual powers that he would ever dream of wanting to have and he can do that by regulation.

Subsection 24(1) says, "The Minister may by regulation...impose conditions on the exercise of the powers of an old council...impose conditions on the exercise of the powers of a local board of an old municipality...deal with transitional matters...." This in effect gives the minister the power to cover anything that they haven't thought about and to simply do it by regulation. It's basically saying we're going to make sure the minister has any other form of dictatorship that hasn't quite been covered by the legislation and he can do that by regulation. I find that completely offensive in the parliamentary democracy that we supposedly function under.

Mr Colle: If the minister doesn't have the powers through the trustees that he handpicked or the transition team that he handpicked, on top of that he has to give himself even more onerous powers. I would like to see the lawyer, if it is a lawyer, who wrote this bill, and we know we will never see this person. He'll never admit that he ever wrote this legislation. It would be amazing to speak to these people; where they came from, what law school they came from. I know there are a couple of lawyers across from me too, and Mr Silipo. I think they would love to ask some of these questions of this person. But those persons will never admit that they've done it, and we know that, because it's the most disgraceful piece of essentially illegal legislation ever drafted. I think when people say they're looking for Machiavelli — I would think that we should find out who the person or persons who wrote this bill are somehow and expose them. That's what we should do.

In terms of the onerous powers this minister will have, not only does the minister have the powers under Bill 26, he's also being given the power in this act to:

"Define any word or expression used in this act that has not already been expressly defined...." In other words, if he wants to change the definition, the so-called expression that was perhaps not — he can do that at his pleasure.

"Impose conditions on the exercise of the powers of an old council." He gets to do whatever he wants to the old councils.

"Deal with transitional matters in connection with the...election and the new city."

"Provide for any other transitional matter..."

It's just mind-boggling that a minister would even require these other extraordinary powers beyond what he already has as a minister under Bill 26, on top of this transition team and trusteeship.

If this isn't overkill — and they must have expected this type of upset from the public and they're expecting this upset for years to come. That's why they're putting in so many powers, because they know the public would eventually catch on. They have to go above and beyond to ensure that they have a complete grip on every aspect of this new megacity, because they know the public will eventually find out what they're up to. That's why they need extraordinary powers.

Mr Sergio: I think they have covered it very well — just to add that the minister may be doing that just by regulation. He doesn't have to come to the House for permission, authorization or anything. As Mike Colle mentioned, Bill 26 gave the minister the power and he can do whatever he wants at any time, and whatever council — they may impose those impositions there. It means that the elected people just don't have any responsibility, any power, and the taxpayer ultimately will suffer the consequences. It's most unfortunate.

The Chair: Any further discussion? Seeing none, I'll put the question. Shall section 24 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 24 carried.

Section 25: Any discussion? Shall section 25 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 25 carried.

Section 26: Any discussion?

Mr Colle: Another bit of overkill: "This act applies despite any general or special act and despite any regulation made under another act, and in the event of a conflict between this act and another act or regulation made under another act, this act prevails." I think that's clear enough. On top of that, even more incredible power to this act and to the person who is going to execute this act. That's all.

The Chair: Further discussion? Seeing none, I'll put the question. Shall section 26 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: Section 26 carries.

Section 27: Any discussion?

Mr Silipo: You will recall earlier on that section 2, one of the first sections of the bill, creates the new city of Toronto. Section 27 is the section that kills the existing municipalities, because section 27 says:

"The following municipalities are dissolved:

"1. The municipality of Metropolitan Toronto.

"2. The borough of East York.

"3. The city of Etobicoke.

"4. The city of North York.

"5. The city of Scarborough.

"6. The city of Toronto incorporated by the City of Toronto Act, 1834.

"7. The city of York."

This is the section of the bill that kills the existing local governments within Metropolitan Toronto, and I'm opposed to it strenuously.

The Chair: Any further discussion?

Mr Colle: I guess the thing that's striking there is 1834. You can see they're basically trying to wipe out 160-odd years of history and traditions. That's all I'll say.

The Chair: Shall section 27 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 27 carried.

Section 28: Any discussion? Seeing none, I'll put the question. Shall section 28 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 28 carried.

Section 29: Any discussion? Seeing none, I'll put the question. Shall section 29 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 29 carried.

Section 30: Any discussion?

Mr Silipo: Yes, particularly subsection 30(2) is what I find a very offensive section, and again, one where I think we've heard some murmurs from the government about potential changes. This is the subsection that says that other sections of this bill, namely, the sections dealing with the board of trustees, the transition team — no, not the transition team, but the board of trustees and

in effect all of the powers set out under the various earlier sections "shall be deemed to have come into force on December 17, 1996." That was of course the day on which the bill was introduced.

This is the section that would give the board of trustees the power to reach back into the past, not only to tell elected officials what to do from the time this bill becomes law, if it ever becomes law, but also to be able to reach back into time. I just can't think of any words that would describe the level to which I find that notion completely offensive.

I would say to the government members, we don't have many sections left. This is one of the few left for you to show some inkling of good faith to the people of Metropolitan Toronto and oppose at least the retroactivity that's envisaged under this subsection.

1640

Mr Gilchrist: Mr Silipo, I can assure you this is one where again there will be amendments and you will be satisfied by the conclusions we've reached.

The Chair: Any further discussion? Seeing none, I'll put the question.

Shall section 30 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: Section 30 is carried.

Section 31: Any discussion? Seeing none, I'll put the question.

Shall section 31 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: We now move back to section 1, because we stood section 1 down until we were finished up to section 31. We had some discussion on section 1. Is there any further discussion on section 1? Seeing none, I'll put the question.

Shall section 1 carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare section 1 carried.

Shall the schedule carry? Any discussion?

Mr Silipo: I think this is the last shot we get at it, or at least the government members get at it. I thought there was some indication earlier that at least on this one we

might see some changes. I see Mr Gilchrist relaxing back in his seat; it indicates perhaps not.

People should know what we have in the schedule. I'm prepared to accept that it was just a drafting error, but it's one of those drafting errors that shows very clearly what happens when you try to rush through a piece of legislation as important as this. What this schedule envisages, as it is now written, is a new city of Toronto made up of all the existing federal ridings, with the exception of Broadview-Greenwood, which has been omitted from the schedule, but with the inclusion of York North, which is in the regional municipality of York.

I know this is going to be corrected if this goes through, but it just shows the absurdity. Quite frankly, if it wasn't so serious, it would just be funny that you have this kind of error. It's clearly seen and acknowledged as being an error and even at this stage, as we're reporting the bill, the government certainly wasn't prepared to bring in an amendment to deal with that and isn't prepared to vote down a schedule that it has already admitted very clearly is wrong and would create incredible errors if it were to be allowed to stand.

I just emphasize that because I feel that sometimes — I try and resist this thing of wanting to preach to members opposite, but there is some meaning to the whole parliamentary process. What we go through here shouldn't be seen as just a charade that we go through and then you fix it at your own convenience when you've screwed up on something. This is a committee of the Parliament of Ontario. Here's a blatant error that you've made, it's a blatant error that you've admitted to, yet you're prepared minutes from now or seconds from now to put up your hands and approve this schedule that sets out a structure of the new city which is incorrect. I just don't know how else to put it. It's just completely ludicrous.

Mr Gilchrist: Mr Silipo, it has far more to do with the fact that it was not appropriate to piecemeal amendments, some today and some later in the package we'll give you. In this case, I will tell you most definitively there will be two amendments, one which will rectify the gremlin that crept in after who knows how many times this was vetted, and also one that reflects the change that came in as a result of the federal government changing the name of one of the other ridings subsequent to the preparation of this bill. But I will tell you most definitively there will be two amendments that deal with both of those, as you've requested.

Mr Colle: I just think it's a sad commentary on a government — or not a government. I think there's just essentially a little clique that put this together and this little clique really doesn't know what it's doing. You can imagine drawing maps of something of this magnitude, and they include this new city as being part of the 905 region, outside the boundaries of Metropolitan Toronto. I think it should make government members question this little clique that drew up this crazy megacity proposal. They are people who should be questioned, and I hope you as government members question them.

Mr Joseph N. Tascona (Simcoe Centre): I just want to confirm with the parliamentary assistant: We voted on paragraph 4(1)1, which refers to a schedule. Are we discussing the same schedule at this time?

Mr Gilchrist: Yes. The schedules are voted on separately, though.

Mr Tascona: Thank you, but my question was, it's the same schedule we had looked at before under section 4?

Mr Gilchrist: That's correct.

Mr Silipo: And we raised the same points before.

The Chair: Any further discussion? Seeing none, I'll put the question. Shall the schedule carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare the schedule carried.

Shall the title carry? Do we have any discussion on that?

Mr Colle: Again, this is an affront, as I said at the beginning, taking a name from the people of Toronto and using it to basically label this monstrosity. I think that's the final affront, using the name of the city of Toronto in this way. It's an insult to all the people who made this a great place, made the city certainly, and helped make it that way. To use it against their will is even a further affront. I think the people will not let you forget this, if you do this, and get away with it.

Mr Tascona: On a point of procedure, Mr Chair: We passed section 31, which was the title of the act. What are we voting on now?

The Chair: That's the short title of the act. This is now the long title of the act. Any further discussion? Shall the title carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: The next question is, shall the bill carry, but I know Mr Sergio wants to move a motion. Knowing what the motion is, the motion's out of order. You can move it, but it's out of order. The way to vote against the bill is to vote against the bill when I say, "Shall the bill carry?"

Mr Sergio: You haven't even heard my motion and you already declare it out of order.

The Chair: It was the same one we were discussing before. You asked me to go back to the motion that you raised before. That's why I know what it is.

Mr Sergio: Yes, and it was okay. It was in order before. It was a question of time. Now you're saying it's out of order. So if this is the right time to move my motion, it is that, in reporting to the House, this committee recommends the withdrawal of Bill 103.

The Chair: It is out of order, because we can do three things: report the bill, report the bill with amendments or not report the bill, which is the last thing that we'll vote on, which is a question we'll get to. So when I put that questions —

Mr Sergio: Are you saying then that my motion is premature?

The Chair: You don't need to move that motion because I have to put that question.

Mr Sergio: All right, then, when the time comes I'll —

The Chair: Okay. The motion is out of order anyway. The question is, shall the bill carry? Do you wish to speak to it still, Mr Silipo?

Mr Silipo: Then the reporting one is afterwards?

The Chair: Yes.

Mr Silipo: Okay, I'll hold.

The Chair: Shall the bill carry?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: The bill carries.

The final question: Shall I report the bill to the House?

Mr Silipo: This is the final shot we get at it here and I just want to go back to the point I made earlier. I asked the Premier this afternoon during question period whether he would instruct the government members of this committee not to report the bill back to the House. I made the point to him that I want to make to you here, which is that whether or not the committee reports the bill back to the House, the bill will be deemed to be reported back by the decision that the Legislative Assembly has already made. The answer the Premier gave me was that he doesn't instruct committee members. If that's true, then I would say to the government members to vote their conscience, at least on this procedural piece, which won't make one iota of a difference in terms of where the bill's going to go because the bill will be deemed to be in front of the House, but at least it won't have your imprint on it as having reported it back to the House.

1650

It seems to me that if there's any truth at all to the assertion by the Premier that he doesn't instruct you, then I have to believe that there is still some sense left among the members sitting across from me that they really don't believe that this bill, as it is in its present form, should appropriately go forward. They've clearly already indicated that by virtue of the minimum of the many amendments that they've indicated and I would just say to them, this is your last chance to show some sense of understanding about the incredible degree of outrage that exists out there among the public on this bill, on your downloading package, on what you're doing and the way in which people expressed that view so clearly in the referendum of this past Monday.

I don't believe that individually members across would come to the conclusion that this is a bill that's worthy of being reported back to the Legislative Assembly, so I would ask them please — this is your last shot — to show some faith and some respect for the citizens of Metropolitan Toronto and at least agree not to report the bill back to the House.

Mr Sergio: As the member for Dovercourt has said, we have listened to the people and it is our responsibility to make our decision. The bill is going to go ahead, it's going to be in front of the House, whatever we send from this committee is going to be there. I think it's important because even during the hearings I would say most of the members have paid attention very much to what the people had to say. They have heard the sincerity with which they made the presentations, the passion, and I am sure that deep down in their hearts and souls they know that the bill, as it is, is not for the benefit of Metro Toronto and I think it's going to have an effect even out of the Metro Toronto limits.

We should be doing the right thing: Send a message to Mr Harris and Mr Leach that this bill is not in the best interests of the people. Yes, they should go back to the drawing-board and work together with people where the people have said, "We have a stake. We want to have some input," and come up with something the government can feel good about and say, "We have given a possibility to the people to participate and have a say in it," and really come up with something that is going to be working for the best of the future city or cities.

I think there is nothing wrong if this committee were to approve of my motion — I wish I was so lucky — to send a message to the House and say, "We don't like the bill, we don't like the content, we don't think it's fair." I think the process has been what it has been and we know what is the content of the bill. If we were to say to the minister and the Premier, "Just withdraw this bill; go and come back with something that is much more acceptable, get those people involved, use those reports, recommendations" — Crombie, Golden and others made some good recommendations — I think we would be doing the right thing. After all, aren't committees and public hearings set up to listen to the people and report to the Legislature what we have heard?

If we fail to do that, it means we have shut down completely our eyes, our ears, our souls, our hearts to what the people have said, because the people have said, "We don't want to see any tinkering. We don't want to see any amendment. We don't see anything in this bill that we can support." If we are fair in our observations, in the assessment and our decision here today based on what we have heard, there is only one thing to do: The right thing to do is send this bill to the House with a negative recommendation and say: "We don't like it. It's not fair. Therefore, withdraw it and go back to the drawing-board."

I appeal to you, Mr Chair, to the parliamentary assistant, to the members. This is the last kick at the can you have to at least send it in there and let the Premier and the minister realize that when this bill was introduced it was not with the best intentions. I hope you can send them that message.

Mr Colle: Some very critical things are being said. I know the members opposite are reasonable people and I respect you for your position in the government. I just encourage you to evaluate what's taken place over the last number of months since this bill was introduced. I'm sure the minister and staff and so forth have told you that this would be something that it has not turned out to be. I'm sure you were reassured there would be some

opposition and the usual suspects would oppose it and so forth, and I know that Mr Newman's been at meetings with myself, and Mr Parker's been at meetings.

These are sincere people who have grave reservations about this bill. I ask you not to buy — you were at Cabbagetown at the meeting when —

Mr Newman: I did not say I had grave reservations about the bill.

Mr Colle: No, I didn't say that. I said the people had the grave reservations. You certainly witnessed those grave reservations at the meeting; that's all I'm saying. I struck fear certainly; I was talking about the people.

The government, with all its resources, has spent how many millions of dollars pushing this bill? Unanimous support of the three editorial boards — you pick the papers up — daily trying to prop up this bill, the fax campaign, the radio ads, the establishment of that group, Alliance for Amalgamation. Despite all that, the people have seen through it and have opposed this bill, and they're not just New Democrats or Liberals or malcontents. They're Tories, they're people of all walks of life who just do not think this is going to work, because nothing works when you shove it down people's throats.

Things have worked in this province because people have been partners and have been respected for what they have had to say. Whether you disagree or agree with what they've said, they've said no to this bill. I know the spin doctors are trying to reinterpret what the people have said, but 76% of the people who voted, voted no. It's never happened in the history of this province we've had a plebiscite/referendum of that nature, beyond what you've seen in the public meetings etc. The people have spoken.

I ask you not to keep believing all the propaganda coming from those few who are pushing this bill. It is not good for you as individuals or good for your government to let this small group dictate this bill to the people of Metropolitan Toronto, because even if they are successful in convincing you to vote for this bill, there is so much resentment, there is so much upset caused by this bill — and you've seen it — it's not over. Whether you're successful in getting royal assent, six months from now, a year from now, whatever it is, this will not stand because it doesn't have the consent of the governed. Therefore, I urge you to consider the long range on this. By letting this small group make you think that it's going to be over once it's passed and the thing will die down, this will never die down until this bill is gone.

The Chair: Seeing as it's 5 o'clock, we're finished debate and I can only put the remaining question: Shall I report the bill to the House?

Ayes

Ford, Gilchrist, Hastings, Munro, Newman, Parker, Tascona, Young.

Nays

Colle, Sergio, Silipo.

The Chair: I declare the motion carried and I shall report the bill to the House.

The committee stands adjourned until the call of the Chair.

The committee adjourned at 1701.

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Lundi 7 avril 1997

Standing committee on general government

Local Control of
Public Libraries Act, 1997

Comité permanent des affaires gouvernementales

Loi de 1997 sur le contrôle
local des bibliothèques publiques

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Monday 7 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Lundi 7 avril 1997

*The committee met at 0907 in committee room 1.*LOCAL CONTROL OF
PUBLIC LIBRARIES ACT, 1997
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Consideration of Bill 109, An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level / Projet de loi 109, Loi modifiant la Loi sur les bibliothèques publiques de façon à situer à l'échelon local les pouvoirs, la responsabilité et l'obligation de rendre compte concernant la fourniture et la gestion efficace des services locaux de bibliothèque.

The Chair (Mr Bart Maves): Good morning, ladies and gentlemen. Welcome to the standing committee on general government public hearings on Bill 109. I apologize for the slight delay this morning. We had to make sure we had a quorum, and with some of the extraordinary things occurring in the Legislature, everyone's schedules are a little bit in flux right now. We'll start off this morning with 15 minutes from Marilyn Mushinski, the Minister of Citizenship, Culture and Recreation.

Before we do that, Mr Gravelle has a motion he wants to put on the record.

Mr Michael Gravelle (Port Arthur): I think all the members have a copy of the motion before them. In light of the fact that we know there were a large number of people who wanted to make presentations before the committee, particularly in Toronto, I wanted to put this motion forward. The motion reads:

Whereas Bill 109 will have a negative impact on the public library system in Ontario; and

Whereas dozens of individuals and organizations have requested an opportunity to present their views and opinions on how Bill 109 will impact their libraries and communities; and

Whereas government-imposed time restrictions have resulted in many Toronto and greater Toronto area organizations and individuals being denied a request to appear before the committee;

Members of the standing committee therefore agree to hold an additional two days of public hearings on Bill 109 at Queen's Park.

I hope to receive unanimous agreement by all members on this motion.

The Chair: The motion is in order. Mr Gravelle, if you want to speak to it, you can do that now.

Mr Gravelle: Just very quickly. Certainly we've had an extreme level of interest all across the province in

terms of Bill 109 by people who are very concerned about the impact this bill will have on the library system in Ontario. I think the clerk can confirm that there were about 50 or 60 groups in Toronto that wanted to present but couldn't do so.

The importance of this bill is obvious to all members. May I say that it would be nice if we could also have hearings in other communities such as Sault Ste Marie and Sudbury and many other places we're not able to go to. So we're glad to have public hearings, but it's clear that we need more time, particularly as we have a large number of people who have requested to appear in Toronto and are not able to do so because we have one day. I would hope all members of all parties would agree that more time is needed and will agree to another two days of public hearings here.

Mr Tony Martin (Sault Ste Marie): I would like to speak in support of Mr Gravelle's motion in that libraries are one of the fundamental pieces of any civilized community, any decent community, any community interested in the wholesome wellbeing of its citizens and the education of its citizens. The impact of this bill is going to be serious and something that I think all citizens are going to have some real and genuine concern about. I know over the weekend I was approached by two or three people who expressed some frustration in not being able to appear before the committee.

I will be supporting this motion that we somehow, some way, find another day in Toronto to hear at least some of the tremendous number of people who have indicated they would like to appear. I believe almost twice as many people put their name on the list as are actually being accommodated. In the interests of democracy, although democracy is taking a bit of a beating these days in this place, we should hear from as many people as we possibly can. So if there's a way for us to get another day in Toronto to hear from these folks, I certainly would be supportive of us trying to do that.

Mr Derwyn Shea (High Park-Swansea): I appreciate Mr Gravelle's attempt to be helpful. I can't support his motion, and Mr Gravelle probably understands why. At the very beginning, when the subcommittee was meeting, the government did in fact suggest two days in Toronto. There was some concern by other members of the subcommittee that we ought to spend more time on the road, that we should be elsewhere in the province ensuring that we were hearing the views of Ontarians elsewhere. Reluctantly, the government agreed, but cautioned us at the time that it thought there might be some difficulties. But we did agree to that and the scheduling has all been arranged with that in mind.

Secondly, given the extraordinary events — and I'm glad my dear friend from Sault Ste Marie, who is as exhausted as he is from the filibuster that's occurring in the House, has reminded us of democracy and will remind us that there is an extraordinary circumstance that's currently about in the Parliament right now. I think it's simply no longer possible to make any accommodations. We did in fact accommodate the clause-by-clause hearings to meet Mr Gravelle's hope that it would leave time to have some reflection between the hearings and then come back and do clause-by-clause. We have accommodated that. I think that's about the best the government now can do.

Mr Jim Flaherty (Durham Centre): I'll speak to this briefly. I find it passing strange and hypocritical to hear from the opposition members at a time when the human resources of the Legislative Assembly are stretched so thin because so many members have had to spend most of the past five days in the Legislative Assembly listening to street names being read because these opposition members are obliging the House to spend five days now listening to this nonsense, that they would have the nerve to come here and say, "Do as we say, not as we do, and extend time for members to spend on this." We don't have the time because of you and your parties and your positions. I won't support this for that reason.

Mr Gravelle: If Mr Flaherty and others want to get into a discussion of what's going on elsewhere, we can do that. Certainly we know that the Speaker has —

Mr Flaherty: Come down the hall.

Mr Gravelle: If that's what you want to do, sir, we can do that. I don't think that's what we're here for today. The fact is that this is an important piece of legislation and Mr Martin and I will be happy to engage you in debate on what we think is important about what's going on upstairs, but I don't think —

Laughter.

Mr Flaherty: Give me a break.

Mr Gravelle: You can laugh if you want, if that's the approach you want to take. The fact is there's no question this is an important piece of legislation, and Mr Shea is quite right that we did want to have two days. In essence, I would be very happy to ask for simply more time to travel as well. I don't think it's an irresponsible motion and I regret that the government members don't feel they can support it.

Mr Terence H. Young (Halton Centre): Point of order, Mr Chair.

The Chair: Can I finish with the motion that's on the floor? I don't see any further discussion, so I'm going to put the question.

All those in favour of Mr Gravelle's motion? All those opposed? I declare the motion lost.

Mr Young on a point of order.

Mr Young: Mr Chair, the Speaker ruled quite clearly yesterday in the House that wearing political buttons or buttons with a political message is clearly a demonstration, and he forbade them in the House. I wonder if you would do the same for this committee.

The Chair: I think that's a fair ruling, and I'd appreciate if you'd remove the button, Mr Martin. Thank you very much.

Minister Mushinski, you have 15 minutes. I apologize for the delay. Go ahead.

STATEMENT BY THE MINISTER AND RESPONSES

Hon Marilyn Mushinski (Minister of Citizenship, Culture and Recreation): Let me start off by saying good morning. Members of the committee, I am pleased this morning to present my support for the Local Control of Public Libraries Act, 1997.

There is no doubt that our library system is one of Ontario's important cultural and economic assets. The changes proposed in the new library framework are designed to build on the strengths of that system and to contribute to the evolution of library service in Ontario.

Many of you are aware that changes in the library system have been a long time in coming. Last year my ministry began a review of the library system shortly before the work of the Who Does What panel. The goals of our review and the goals of the panel are very similar. Accordingly, many of the recommendations from the Who Does What panel were adopted in the government's proposals on the new library framework.

I also asked my parliamentary assistant to lead a caucus committee to review the delivery of library services. At about the same time, the Who Does What panel, chaired by David Crombie, began looking at a whole range of policies and programs affecting provincial-municipal relationships, including the responsibility of public libraries.

My ministry staff and I held consultations with library organizations and library users in 1996. Members of the library community shared their understandings of what is most important to their local libraries and to the provincial library system.

There was absolute agreement that libraries play a critical role in the future of Ontario. Libraries are key to the future of lifelong learning and access to global information. A well-educated, literate workforce is one of the province's greatest economic assets, and the importance of information and knowledge cannot be underestimated in this information age.

There was also general agreement by the library community that libraries must make the best use of limited resources. There are efficiencies, improvements and expansions of service that can be achieved by sharing facilities and resources. There are benefits to be had by linking not just public libraries, but also the information resources of school, college and university libraries, as well as corporate libraries and government libraries and archives.

The proposed changes stem from my ministry's review of libraries, from our consultations, and from the restructuring our government proposes for the provincial-municipal relationship. The reviews and consultations demonstrated the key issues to be governance, fees and the role the province can best play in the library system.

Our consultations revealed significant support for the continuation of library boards. We heard from library professionals and library users that library boards encourage voluntarism, assist in fund-raising, bring particular

expertise to library management, and can act as a buffer on potentially sensitive issues such as intellectual freedom.

We are giving communities more say in how they want their library boards to operate. In Bill 109, library boards would be retained but there would be fewer restrictions on their composition and operation. I'd just like to remind you for a moment what the current legislation requires. It requires prescriptive requirements dictating who sits on library boards, how often boards should meet, how many board members there must be, and how board members should be involved or removed and so on.

Through our consultations we also repeatedly heard that access to information was important, as was the ability of libraries to have discretion over what services are provided free and those for which there may be a fee. Bill 109 provides for both interests.

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Free access to information is the cornerstone of our proud library tradition. The objective of this part of the new library framework is to balance the principle of providing universal access to libraries and information with the desire to give municipalities and local library boards greater flexibility to generate revenue.

The government proposal is to govern library fees with a new regulation under the Municipal Act. This would allow the continuation of free access to libraries, free use of the library's collections on library premises, free loans of books and other printed materials to residents and free loans of special format materials for residents with disabilities.

For all other services, library boards would be free to set a fee policy which suits their own needs. This does not mean that libraries would be required to charge for other services, but it does mean that they could charge for other services if they so choose.

We believe that local officials will make choices that are right for their communities. Our proposed framework gives municipalities the authority and the responsibility to establish and oversee their libraries, reflecting the needs of their communities. It is municipalities which create public libraries. Municipalities currently provide the major portion of library funding, on average about 85%. The government believes it is therefore appropriate for municipalities to assume maximum responsibility for, and control of, libraries. That's why they are called local libraries.

With the transfer of responsibility for library services to municipalities, the provincial funding role to libraries will be phased out. There is an opportunity for a more clearly defined provincial-municipal relationship. The government's role is to provide leadership and to facilitate and encourage partnerships. It is strengthening the interconnectivity of libraries, working on network standards and guidelines, as well as policy support, strategic funding and forging partnerships, that expresses the province's best role in our public library system.

As part of our new focus, our emphasis will be on library networks — making networks more accessible and more useful to library users. We have worked closely with the private sector and the public library community to develop Network 2000, a province-wide network of

interconnected libraries that share resources, telecommunications links and much more. We are concentrating our funding efforts to support networks that provide access to global information and encourage resource sharing.

Library users will be familiar with the advantages of Ontario's library network, because a part of it is dedicated to the interlibrary loan system. We almost take for granted the fact that any library patron may request and receive a book from the circulating collection of virtually any library, anywhere in the province.

In our new information age libraries have indeed become far more than the repositories of books they were a century ago. With new technologies a small library in an isolated community can link its users to global information systems in ways never before possible. In this way the libraries of the future will continue to play a key role in nourishing Ontario's well-educated and literate workforce — indeed one of our greatest assets.

Learning, as you know, is a lifelong process. Increased and improved access to electronic information will not only give us a competitive edge in a knowledge-based economy; it will connect us to the world.

All these proposed changes, the Local Control of Public Libraries Act and the proposed regulation under the Municipal Act, together form the new library framework.

I am pleased to recommend this bill to the members of this committee this morning. Its adoption would provide a solid base upon which Ontario's public libraries can build their future. In closing, I will emphasize once more that the province has an absolute and continuing commitment to Ontario's public libraries. Libraries are the heart of a community. Not only do they give you an opportunity to learn more about the world, they give you a sense of belonging: a place where an isolated senior can meet a friend, where a child discovers the joys of reading and where a person with no other access to computer technology can learn to use a computer.

The nature of our relationship with libraries is changing, as it has done continually since the first Public Libraries Act of 1851. Our government's goal is to ensure that Ontario's public library system stays strong and continues to thrive in new and old ways. By supporting technology and encouraging private sector involvement, we are helping to create a system that works and can adjust to the constantly changing needs of the greater community.

The Chair: We have five minutes for each caucus to ask questions. We'll start with Mr Gravelle.

Mr Gravelle: Good morning, Minister. As you know, in the next three or four days we're going to be hearing a great number of presentations from a variety of people, and I suspect a fair number of them may have some differences or want to make some changes to the legislation. The first question I want to ask you in the short period of time is, will you be open to amendments?

The fact is that in previous public hearings on a variety of other bills I think there has been some justifiable concern that the public comes in and speaks and makes representation and amendments are routinely denied by the government. I'm hoping you will be more open than

has happened in the past. So my first question is, would you be willing to accept amendments based on a consensus that is formed out there and the ones that are reasonable and make some changes that the people out there think are important?

Hon Ms Mushinski: I think it is important to appreciate that this is drafted legislation. That's the reason that we have a standing committee process: It is to receive input. Certainly we are open to suggestions and, based upon what those submissions will be, I most certainly will review those with a view to making the draft legislation better. Yes, I think you can take that as being a commitment. We are very fair and we are very reasonable and we will consider the suggestions that are received this week.

Mr Gravelle: You certainly talked about this legislation bringing about an improved library system in the province, and one aspect of this bill, if not specifically this bill, is the fact that obviously with the loss of provincial funding and giving the full responsibility to the municipalities, it's going to be putting a lot of pressure on municipalities in light of the other downloading realities that are happening as we speak.

Would you at least acknowledge that there may be some dangers in certain communities? You've stated in your remarks that you feel that municipalities will protect the system, but will you not at least acknowledge that because of the competing demands that will be facing municipalities of various sizes, there may be some difficulties, particularly in some of the smaller libraries, in maintaining the financial support for the libraries themselves?

Hon Ms Mushinski: I think what's important to remember is that the proposed legislation that's in front of you today is really built on the principle of flexibility and maximum choice for municipalities. The other aspect, of course, to bear in mind is the fact that the burden of education costs will be taken off the property tax base. We believe that with this legislation we'll provide municipalities, which are the major funders of their own public libraries, with the flexibility to generate revenues and to make the appropriate choices that meet the needs of their community.

I'm very confident, having come from that municipal world myself, that local decision-makers absolutely inherently understand the need to protect local library services for their citizens, but they will now have greater flexibility through which they can raise the kinds of revenues to sustain a strong public library system within their own communities.

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Mr Gravelle: But we've already seen some adjustments that have had to be made, certainly in anticipation of what I think everybody now acknowledges, that there's a \$1-billion difference somewhere between what the province is taking and what it's asking municipalities to incur. Even the members of the committee who are sitting on the implementation team for the Who Does What are acknowledging that. So I guess the concern truly is that it's going to be difficult for municipalities to do it. Minister, are you prepared to think in terms of having a certain portion of the reinvestment funds that have been

talked about as part of the Who Does What committed specifically to libraries?

Hon Ms Mushinski: Certainly that was the intent of Mr Eves's announcement with respect to the smaller, more remote communities that may be left with the loss of certain services as a result of the restructuring and the disentanglement. But I'm confident that with all of the tools that are contained within this legislation, in consultation with Mr Eves and certainly based upon our discussions with AMO, for example, there will not be any libraries within Ontario that will suffer as a result of this legislation.

Mr Gravelle: As you know, Minister, we don't agree on that, and that is why we really think there need to be some major changes. Certainly one of the areas that's a concern — and I'm sorry we don't have more time but I appreciate having time with you — is the whole question of library boards. Indeed I think you gave some recognition of the importance of library boards by retaining them in your legislation. The fear is that they are being set up in such a way that they really can just be shells of boards. I think we're probably going to hear a fair amount about that in the next couple of days.

One of the aspects of that is that obviously a municipality, if it has control, can certainly set it up so that they just have one member of council being the library board, or a person of staff. Are you prepared to recognize the value of citizen participation in a formal way, a majority citizen representation as we have now? You talk about the value of volunteers. On the other hand, there's really been a guarantee of that being taken out in terms of library boards. Would you be prepared to have the legislation changed so you're very specific in the wording about the involvement of citizen volunteers on library boards in a majority position?

Hon Ms Mushinski: Again let me remind you that I believe the recommendations contained within this draft legislation are really built on compromise. You may recall, for example, that Mr Crombie himself recommended total abolition of library boards, to be replaced by committees of council. We heard through our consultation process last year that library boards are absolutely critical to library service within municipalities and should be retained.

We believe that the recommendations contained within this draft legislation really do reflect the wishes of the community as a whole, including municipalities, AMO, Mr Crombie and indeed the library community. We believe you will find that the library board makeup with citizens at the end of the day will probably continue pretty much as they are today. Municipal councils for many years, decades, perhaps even more than a century, have actually appointed citizens to those library boards, and we believe that municipal councils recognize inherently the role of citizens on library boards and will continue that. But again it's important to stress maximum flexibility.

Mr Martin: I certainly hear and appreciate your last comments. It still doesn't leave me, and obviously the member from Thunder Bay, any great comfort in that if you believe in the importance of library boards, why would you put into this act the power of municipalities to actually dissolve library boards? There will no longer be

a requirement, for example, that libraries have to cease operation for two years before dissolving a library board. Combined with the power to determine library boards, this gives municipalities the unilateral power to shut down libraries.

As a matter of fact, as we speak, there is a community out there, Ignace, that is at this point considering moving the books into the school and taking over a building that was bought and paid for by the government and the citizens of that community, a tremendous effort by way of fund-raising and volunteer energy to put in a place a first-class library facility. Now, under this new legislative framework, the mayor of that community is talking about actually taking that building over and making it the municipal office. How do we stop that kind of thing from becoming epidemic?

Hon Ms Mushinski: It's important for me to stress to you that this is a part of the Who Does What disentanglement exercise. It is determining the new funding relationship between the province and municipalities. We believe local councillors will have to defend the kinds of decisions they're going to make in the future. Certainly, councils will be funding completely the local library service. We recognize that councillors will have to recognize the value of what we believe, the continuing value of citizen participation, but we as a province should not be dictating to councils who they should be putting on their library boards, given that they are now going to be funding 100% of the operating costs of those libraries.

Mr Martin: You will, as you've indicated, having come from the municipal sector, understand that over the years there has always been a bit of healthy tension between library boards that usually consider themselves friends of libraries, who have a keen interest in libraries, who have a skill set that is particular to this realm of activity, in constant discussion with municipalities over just what those libraries will look like, what the resources will be, what opportunity will be provided to people re accessibility and everything.

In this bill, you have set up the framework whereby municipalities can in fact, if they go the distance, take over libraries. That stands in contrast to the report your government put out on the whole question of volunteerism. You're encouraging volunteerism. In your report you suggest that volunteerism is going to become one of the building blocks of the new commonsense Ontario. Yet in this instance you're setting up the very framework that will undo what has become a very active, vibrant and viable volunteer effort in communities to keep libraries alive, to do some of what you described in your opening presentation this bill will do for libraries in communities. How do you account for the differing approaches in this bill versus the report that came out on volunteerism?

Hon Ms Mushinski: I don't think, in terms of my belief system in voluntarism, that's it's any different for local councillors than it is for me to believe strongly in the contribution volunteers make to their community. In fact, I'm sensing there's a certain mistrust of local councillors with respect to the citizens, the volunteers they were elected to represent. I find that a little curious, given the last five days' activity, really defending the role of local councils.

I don't really understand why you don't give councillors credit for knowing what's good for their communities. I know what's good for the community I represent. We strongly believe the volunteer community needs to be strengthened and we're doing that in many ways. I would suggest to you that retaining boards and giving local councils maximum flexibility by which to run their boards will give them far greater opportunities to draw on the strengths of the volunteer community within their own municipalities.

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Mr Shea: Minister, can you explain to the committee — this was something that was raised during second reading — why the permission for user fees and so forth has been proposed by way of regulation and not through legislation?

Hon Ms Mushinski: Yes, that's actually a good question. You may recall, Mr Shea, that last year in Bill 26, under the Savings and Restructuring Act, there was a regulation contained within that particular legislation that allowed municipalities to charge fees. We specifically, or I specifically, asked the minister, Mr Leach, to give me an exemption from that legislation for us to conduct a consultation process with the library community. Because of that particular clause within Bill 26, there must be an amendment or an exemption to the new Municipal Act for the fee structure to be changed that requires free access to libraries and free book loans.

Mr Shea: You bring to this presentation today some considerable municipal experience, and I don't think we want to let that escape our attention. You may have reacted, as I did, just a little bit to the questioning by the Liberal and New Democrat members who seem to infer — I don't think they mean this in any nasty way — that the local councils are incompetent to make decisions that reflect the values of their local communities, that the appointments or the establishment and structuring of library boards and so forth can only be done by either provincial fiat or some other mechanism. Would you care to respond to that?

Hon Ms Mushinski: I have more confidence in the local level of government. Certainly you and I, Mr Shea, share similar backgrounds. We've been hearing very much from those same representatives of government that municipal government is the level of government that's closest to the people and has the greatest understanding of the needs of its people. I believe strongly in that principle. I believe that's inherent and contained within this draft legislation. I think there were certain prescriptive requirements that interfered with the ability of local municipalities to generate revenues, and that's the whole purpose of this new draft legislation. I am absolutely convinced municipalities will always draw on the strengths of citizen participation at the municipal level.

Mr Shea: I agree with that. Picking up on that point, it would strike me as though in the Who Does What exercise, David Crombie, if memory serves me right, recommended that library boards be taken over by municipal councils, essentially no boards, and that was not something you were comfortable with. Would you care to elaborate?

Hon Ms Mushinski: No, it wasn't. In my response to Mr Gravelle, I believe it was, I certainly did come

forward to cabinet with a recommendation for boards to remain as boards rather than as committees of council, if only to recognize the very strong and traditional role of library boards in meeting the literacy needs of their communities.

The Chair: Thank you very much, Mr. Shea. I'm sorry, but we're coming to the end of the allotted time.

Minister, I want to thank you for coming forward and making your statement today and answering some questions. You're welcome to stay as long as you want, but I know you've come off a 12-hour shift last night in the Legislature, so thank you very much.

Hon Ms Mushinski: I actually came off a 16-hour shift.

The Chair: Mr. Gravelle, we have some time for a statement.

Mr Gravelle: I am pleased to have the opportunity today to address the members of the committee on the government's proposed Local Control of Public Libraries Act, Bill 109, on behalf of the Ontario Liberal caucus.

First of all, I want to be very clear on the implications of this legislation from the Minister of Culture on our public library system, because the people of Ontario deserve to know that their government is, by this measure, threatening the existence of a 115-year public library tradition here in Ontario.

I am certain this week's public hearings will be highlighted by presenter after presenter offering starkly contrary views to those we've heard from the Minister of Culture herself today. I consider it a deep disappointment, as do the people who work at, volunteer for and use libraries, that this minister refuses to recognize the unmistakable dangers contained in this legislation.

Furthermore, it should be noted that this minister is truly stretching credibility when she says this bill will mean better and improved library services in Ontario. Certainly, had the minister paid attention to the hundreds of submissions put forward by libraries and library users across the province, she would know otherwise by now.

I also feel the necessity to express my disappointment that we, as legislators, continue to see this government bring forward legislation such as Bill 109 that amounts to no more than bad public policy.

I have always strongly believed that the role of government is to work with the broader interests in mind, to devise policy solutions and progressive legislation that works to improve or strengthen existing infrastructures or systems.

To that end, I firmly believe Bill 109 is bad public policy that will create a patchwork of underfunded libraries across Ontario. Without considerable amendments that I hope will be accepted by the minister, Bill 109 will legislatively bring about an erosion of library services in every city, town and village in Ontario, while also destroying the resource-sharing and resource-building network that has nurtured the development of our world-class library system for over 100 years.

I want to speak directly to some of our party's overall concerns with Bill 109.

We, along with the people of Ontario, understand that the purpose and intent of this legislation falls within the parameters of this government's Who Does What exer-

cise, an exercise that has resulted in the dumping of over \$6 billion of new financial responsibilities on to municipalities.

I know that municipalities have traditionally paid the greater costs of maintaining public library services, for total spending of approximately \$300 million annually. However, I truly fear that the complete elimination of provincial funding, which will amount to approximately \$30 million this year, coupled with the billions of dollars of new municipal financial responsibilities, will leave our municipalities with little choice but to downgrade current community library services. So it's not a question of not trusting the councillors to do the right thing; it's putting them in a position where they may not be able to.

I know that representatives from the Association of Municipalities of Ontario will speak on the bill today. Let me be clear that I do believe that well-meaning and caring municipalities in this province will do what they can to maintain excellent community public library services. But I absolutely believe this government's dumping plans will undermine their efforts to maintain current service standards.

In small town Ontario, I believe the prognosis is even gloomier. With fewer resources and even more reliance on provincial library transfer payments — and indeed they do, as you know, Minister — smaller municipalities may be forced into a situation where library doors actually close. Our member for Sault Ste Marie mentioned the situation in Ignace.

In other words, forget about Who Does What. Bill 109 is the legislative equivalent of an escape chute for provincial responsibility for the upkeep and co-ordination of Ontario's 400-plus public libraries.

With less municipal resources for libraries due to new and competing fiscal demands, plus the elimination of per household library grants from the province, Bill 109 sets the stage for a number of things: the stage for the closing of neighbourhood library branches; the elimination of community library programming like programs for children, as has already been the case in Owen Sound; the jettisoning of key, well-trained library staff that has taken place in places like Peterborough; less resource material buying power, which has already been experienced by the Metro Toronto Reference Library; sharply reduced hours, like in Atikokan in my part of the province, which has had to already close its doors for 11 weeks out of the year, so talk about accessibility not being there, and certainly the utter collapse of the interlibrary loan program, which traditionally has benefited library users in rural and northern communities.

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What is most distressing, I say to the members of this committee, is that these funding uncertainties, directly resulting from this government's poorly planned and poorly conceived downloading plans, come at a time when demand and need for information has never been more pressing.

Libraries have served to fulfil, with honour and distinction, an important public and civic need. While also linking people to the information they need, libraries are community centres, sanctuaries, safe havens and windows to the world. They spark joy and imagination in

the lives of children as they begin their journey on the road to lifelong learning. They provide comfort to people in our community, support the efforts of the unemployed. They offer escape and opportunity for those seeking enlightenment through learning.

It is most important to note that libraries are also the first and only information highway stops for many people in this province. Indeed, changes in economic forces have placed new emphasis on the role libraries need to play as we move towards the next century, which is why the timing of this legislation and the faulty framework it lays out are so damaging to the health of our library system.

Certainly consider the new application of user fees permitted through Bill 109. While theoretically maintaining free access to libraries and their printed materials, Bill 109 empowers municipalities to set new user fees for "non-printed" materials such as CD-ROM technologies and Internet access. These fees, which could and will be applied differently in communities across the province, will destroy our great, single and united library network and create a patchwork of public libraries with unequal access opportunities. I don't think any of us want that.

While larger communities may see some value in their applications, their economic contributions in smaller communities would be virtually nil. Furthermore, study after study has proven that library user fees can never generate, on average, any more than 6% of a library's total operating budget, which in no way makes up for the loss of provincial transfer payments.

I think it's ironic that two weeks from today marks the start of Freedom to Information Week, a week dedicated to the preservation of equal access to information opportunities for all Canadians. Bill 109 destroys this province-wide standard of equal access for all, thereby creating a system where some pay and some don't, where those who can't afford to pay do without. Is this the kind of Ontario that members of this committee want to see go forward?

On Bill 109, public library trustees have spoken out loud and clear on the threat to Ontario's library boards under this legislation. Where every jurisdiction in Canada outside of the province of Quebec and the city of Winnipeg operates under a successful volunteer library board model, this government has chosen to remove provincial standards that dictate the size, composition and functions of Ontario's dedicated public library boards. I think this point demands close inspection and I think we're going to be hearing a lot about it in the next couple of days.

While the government did recognize the contributions of public library boards during Bill 26, Bill 109 leaves it up to local municipalities to decide their fate and function. While municipal councils have always been fully accountable for library budgets, Bill 109 enables them to skirt traditional citizen participation — they'll be forced to do this — by creating library board shells comprised solely of municipal councillors, and it is a concern that we have that they'll be put in that position.

While issues relating to censorship have been kept out of our public library system, Bill 109 would allow for the intrusion of special interests and some political tampering, if you may, in the managing of library resources, which I just think would be a very sad and wrong direction for us to go.

While local library boards have contributed to the growth of a unified library system in this province, Bill 109 sets up a fractured patchwork system. Let me say today that the Ontario Liberal caucus will accept nothing less than full public participation on library boards.

We also believe that stable provincial funding to our libraries must be protected to ensure that residents of this province, regardless of whether they live in Toronto, Kingston, Thunder Bay, Sault Ste Marie, Sudbury, Geraldton, Marathon, Dorion, Ignace, smaller communities, must continue to have access to public libraries.

The fact is that successive governments of all stripes have rightly protected and nurtured the development of our provincial library network. Let me be clear: It is very much my feeling that Bill 109 fundamentally threatens to destroy that world-class network.

I'll finish up my remarks this morning by noting that the motto of my hometown library in Thunder Bay is "Connecting people to information." On behalf of the people in my riding and in my community and on behalf of libraries and library users from across the province, I urge the members of this committee to listen well to the presentations that come before them today — I ask the minister to do the same — and I hope that they will be open to listening and making some changes to amendments which will indeed at least change some of the legislation that we feel is going to be extremely damaging to the library system in Ontario.

Mr Martin: This bill is fundamentally and in its essence about a couple of things, overall, that are consistent with the approach of this government and the intention of this government and what this government at the end of the day hopes to do in this province. It's about the downloading of costs of library services to municipalities, and I think the minister this morning was very clear that that in fact is what it's about.

It's also about when decisions have to be made ultimately a year or two down the road when municipalities have to make choices, some very difficult and, I would suggest, ugly choices, about what to provide its citizens and what it can no longer afford to provide its citizens. When libraries find themselves lower and lower on the priority rung for cash-strapped municipalities, we will find that libraries no longer hold that position that we've all put them in over a long number of years.

Decisions will be made and this government by way of this bill will have freed themselves of blame and responsibility. Municipalities will take the hit and that's unfortunate, because I think that people elect governments to make good decisions to work with them to develop good public policy, and they expect at the end of the day that they will have the intestinal fortitude to take responsibility for those decisions.

To be shifting as you are in such a quick and vicious way the cost, plus then the responsibility for the very difficult decisions that will be made, to the municipalities is in keeping, however, with the approach and the irresponsibility of this government in everything that it has been involved in.

To suggest for a second that this is about, or that this is the positive initiative that the title of this bill claims, is consistent as well with every other bill that has passed

through this place over the last year and a half. It's a Trojan horse and people need to be aware of that and people, mark my words, in a year and a half to two years or three years down the road, will be presented with the stark reality of just exactly what that means.

Let me become a wee bit more specific in terms of what this bill is about and how in fact that is where we will end up. Bill 109 lets municipalities determine the size and makeup of library boards. In the extreme, this means municipalities can decide the library board will consist of one person, and appoint a municipal employee to be the library board. That's within their jurisdiction after this bill is passed.

While Minister Mushinski places great trust that municipalities will do the right thing and maintain high-quality library services, we are already seeing different motivations at work. I earlier referenced Ignace in northern Ontario where the reeve has offered to give the books in the library to the local school. Why so generous? Because the library is in a brand-new building that the community raised money to help build. Now the reeve is trying to push the library out so he can take over the new space for municipal offices, and Bill 109 will give the reeve of Ignace the power to do this, despite the minister's trust and comments this morning here that he won't.

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Bill 109 ends the guarantee of citizen participation in library boards, a principle of our library system that has been enshrined in legislation since 1882. Libraries are connected to their community by having a majority of citizen members on library boards. Why eliminate this requirement that has worked so well? Ending this requirement is, in my opinion, pure hypocrisy, given Harris's emphasis on voluntarism and the recent report on the volunteer sector.

Bill 109 ends universal free access to libraries' circulating collection and ignores the reality of our information age. By limiting free access to print materials only, and with pressures to cut costs, libraries will be forced to impose user fees on non-print materials. Fees are a barrier to service and experience shows that these types of fees don't generate significant revenue; they just discourage people from accessing useful information, people looking for work, for example, who want to access electronic information and the Internet.

This bill is a download of responsibility for libraries on to municipalities. Libraries will have to compete for funding as municipalities struggle to find money for the major health and social services responsibilities they have just been saddled with, services whose costs are expected to increase in the future. Especially in northern and remote communities, and this is particularly close to my heart, as it is, I'm sure, to Mr Gravelle's, including first nations, where libraries are finally developing into functional parts of the provincial library system, this will be a real setback. It means library services in these communities run the risk of being left further behind and eventually petering out altogether.

Bill 109 will lead to the fragmentation and weakening of libraries in Ontario and will lead to a patchwork system that will exist in some areas and will no longer exist in others, and that's really unfortunate.

The Chair: We now have scheduled a technical briefing by the ministry. We have half an hour scheduled. If we don't use that, then I won't be upset since we're already a few minutes behind. However, what I'd like to do is let the staff perhaps have an introductory statement or a couple of things they would like to talk about and then allow members to ask any type of questions they might want to ask. Before the staff begins, I'd appreciate it if you'd both take the opportunity to introduce yourselves for the benefit of Hansard.

MINISTRY BRIEFING

Ms Sheila Larmer: I'm Sheila Larmer. I'm the manager of libraries planning and operations with the ministry. Paula Kashul is our legal counsel. I'll do very quick highlights of the bill just so that everyone knows where we are and then we'd be happy to answer questions.

Bill 109 is an act, of course, to amend the Public Libraries Act. It does not affect all parts of the act but it does amend significant portions. I'm just going to go through very quickly on the things I think are most significant.

Section 2 establishes a new purpose statement for the act which speaks to the importance of public libraries in the province-wide library network.

Section 5 continues the provision that the public libraries are under the management and control of a board appointed by a municipal council.

Section 6 requires that municipal councils define aspects of the definition and description of a board which are legislated in the current legislation. These include such things as the size and composition of a board, qualifications of board members, procedures for filling vacancies and so on, which under the current legislation are set out in statute.

Subsection 8(4) of the legislation gives council the power to dissolve the board, rather than the minister.

Subsection 10(1) of the legislation largely continues the powers and duties of the board, but does give the board new powers to determine aspects of board operation which are currently regulated in the Public Libraries Act. This is clause 10(1)(e), giving the board powers to determine such things as the number of meetings, a quorum and so on. These are items which are currently legislated.

Subsection 10(2) makes explicit board powers to use outside services or personnel or to adopt policies of council. That's a new section, although it really makes explicit existing powers.

Sections 11, 12 and 13 continue to give boards powers that they need in order to operate, and there's very little change there.

Section 14 changes the restrictions on charging user fees. In the current legislation, the restrictions on charging user fees are set out in section 23 of the legislation and in the regulation. The change now is that a board may charge fees for public library services in accordance with the Municipal Act, and the restrictions are set out in regulation to the Municipal Act. The draft regulation establishes that there may be no charge for admission of the public to the libraries, use of the library's collections in the library, borrowing by residents of books and other

print materials, or borrowing by residents with a disability of material specially formatted for that disability.

Section 15 continues the council's line-by-line control of the library budget.

Section 28 is repealed. I'm drawing your attention to that because that relates to inspection of records, which is now addressed by the municipal freedom of information and protection of privacy legislation.

Sections 30 and 38 are repealed. This eliminates the requirement that the minister fund public libraries.

Section 39 eliminates the regulatory power relating to library operation, library user fees and provincial funding of libraries, and gives new regulatory power relating to the province-wide library network.

Those are, I think, the high points, but I'll be very happy to take questions.

Mr Shea: I'm going back to your comments on section 15, which is the line-by-line control that's given to municipal councils. In the current legislation, is that power still with the local municipalities?

Ms Larmer: Yes. There is virtually no substantive change between the two sections.

Mr Shea: So under current legislation, if a municipal council decided it wanted to choke the life out of a library, to put it in crude terms, it could do it with the existing legislation through budgetary controls?

Ms Larmer: The municipality has control of the budget, so it can choose to fund or not fund.

Mr Shea: You gave an appropriate and professional response. I gave a political question to start with and I appreciate the response. Thank you very much.

The Chair: We'll just do a free-for-all here for a while.

Mr Gravelle: In terms of whether or not library boards can be put under different municipal departments, that now becomes possible, does it not? Under the new legislation, that would become possible. In other words, you could make the libraries part of the parks and rec department; they could be put under other municipal departments just based on the flexibility that the councils will now have. Is that not true?

Ms Larmer: The board remains the legal entity and the board remains the employer, so that regardless of what nominal reporting relations have been set up, the legal relationship is that the board is the employer, and the employees of the library are employees of the board.

Mr Gravelle: In terms of the user fees too, in terms of that which would now come under Municipal Act regulations, of course these Municipal Act regulations could change and may indeed change because we're looking at some massive changes going on. That in essence means that the responsibility of the Minister of Culture is almost removed, I think is probably the case, because libraries now are more beholden to the municipal affairs ministry almost than the Minister of Culture. Is that not true, based on the changes?

Ms Larmer: I can only state that this regulation was drafted in conjunction between the Ministry of Citizenship, Culture and Recreation essentially in consultation with the Ministry of Municipal Affairs, but this regulation was drafted by the Minister of Citizenship, Culture and Recreation.

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Mr Gravelle: But obviously now a lot of the decisions that are being made in terms of user fees now come under Municipal Act regulations.

Ms Paula Kashul: For any change to the regulation, my understanding is there would be a consultation with the ministry. You're correct that it is a regulation of the Minister of Municipal Affairs, but the way that this regulation was drafted was in consultation with the Ministry of Culture.

Mr Gravelle: In terms of the size, composition and makeup of a board, the fact is that no matter how it's written, ultimately it is true that the regulations basically do allow, if not encourage, municipalities to absolutely make a decision on the size, composition and the amount of time they meet, which means they can quite literally determine that one person can be a library board. The bill makes that pretty clear. That is certainly one of the options that's available under this particular piece of legislation. Is that not the case? In other words, it could have one municipal councillor. Based on this, you could have a municipal official, a person who actually works for the municipality, being designated as the one member of a municipal library board.

Ms Larmer: That is our understanding.

Ms Kashul: That's correct, but I just want to point out that if that were the case, the person is still the board and has a responsibility to carry out the duties of the board as set out in the legislation.

Mr Gravelle: Right. But indeed the fact is that the municipalities still — and again I'm not taking shots at anybody. It's just a concern that one sees a situation existing where a municipality for a variety of reasons may say, "We just want this one person on the board." They will be answering to someone, and they can determine how often the board meets; they can determine obviously the size of the board. Those are pretty significant differences between what one would consider a public library board as we look at it today. In other words, there certainly is the possibility built into the legislation that we could have remarkably different public library boards than we have now.

Ms Kashul: Yes.

Mr Gravelle: It's open to that.

Mr Martin: I want to follow up a bit on some of what both the previous questioners got into. Certainly the issue of whether now municipalities have the ability to work with boards to trim budgets and that kind of thing, I don't think there was ever in anybody's mind any doubt that this happens and goes on.

I think I referenced earlier in my question to the minister that healthy tension that has developed over the years between library boards and municipalities as they each dealt with differing priorities and that boards tended to be made up of people who are friendly to libraries, who understand the role of libraries, who do a lot of work educating themselves to make sure that libraries are all that they can be for their communities. In fact, in the relationship with municipalities there was a realistic, healthy and responsible tension that went on around the question of budgets.

I know in my own community up until now, because of the downloading of the cost of services such as

libraries to municipalities, which has already started, never mind what is to come, never mind what this is setting us up for, they've already cut probably about \$180,000 out of the budget, direct provincial grants, but they found ways to do that which still maintained some of the principles that underlie the development and the operation of libraries. At one point they talked about closing down a branch in Sault Ste Marie that served a whole section, the east end of my city, but the board, together with the administration of the library, found ways to keep that branch open.

I guess my concern is that the balance of power with this legislation is now shifting very dramatically to the municipality, which has other priorities and is not going to have the time that a library board has to turn over every stone and assess every possibility to try and find ways to make sure that accessibility becomes one of the primary characteristics.

Is my sense correct that what this piece of legislation does is in fact tip that balance of power so that municipalities now have more control over libraries and what they can do and how much they can spend?

Ms Larmer: Under the current legislation, the municipality does appoint all members of the board, so that power is current, and does have the line-by-line control of the budget. The key differences are, as you've pointed out, that the municipality now may determine the size of the board and may choose to have a majority of councillors instead of a majority of citizens. Whether that tips the balance I guess will depend on the community.

Mr Martin: Is it possible, given the tremendous pressure that municipalities already are under and will continue to be under and will be under even more dramatically as time unfolds in this province, that libraries could come under the direct control of a municipal officer?

Ms Larmer: I guess there are two points there. One is that, again, the board remains the legal entity and, regardless of whether it is all councillors or whatever, the board is still a legal entity and has, as Ms Kashul mentioned, certain responsibilities to carry out its duty as a board.

The other point is that under the current legislation it has been possible for a board to appoint a municipal official as the CEO of the library. That has happened, so that ability exists under current legislation.

Mr Martin: But is it more possible under what we're now moving into?

Ms Larmer: I'm not sure if it is more possible.

Mr Martin: Maybe more likely.

Ms Larmer: That's, I guess, speculation. I couldn't speak to that.

Mr R. Gary Stewart (Peterborough): I think probably my question's been asked, but you did make the comment that the boards remain the legal entity and that the employees are still under the board. That really has not changed under this act or under the other act. The municipality still, I guess, has control over employees, albeit they're under the guidance, for lack of a better word, of the board. That's really no change from what's been happening. The old act said the municipality appointed the board. The board still oversaw what the employees did under their policies. They were still under the employ of the municipality. Is that right? There's no change in that end?

Ms Larmer: The relationship between the employees and the board remains as it was.

Mr Stewart: As it always has been. The same with the municipality as well: The employee is still an employee of the municipality. Is that right?

Ms Larmer: Sorry. I'm not following you.

Mr Stewart: The employee of the library is still an employee of the municipality.

Ms Larmer: An employee of the library is an employee of the library board.

Mr Stewart: So you're saying that in any type of community — I would use my own, for example — the employees of the library are not part of OMERS and a few of the other things, then. Is that what you're saying?

Ms Larmer: That I couldn't speak to. I can only speak to the legal entity, which is the board, the employer. I know that in terms of pay equity there have been some findings that the employees of the library have been considered tacit employees of the municipality but I can't really speak to that.

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Mr Stewart: Okay, just so I can get it too, when you're saying they're employees of the board, are you suggesting that the board itself is setting up the payments, their wages and benefits, and everything under this act is now going to be only from the board, so some of the small communities are going to have to set up a new system? Is that what you're saying?

Ms Larmer: No. I'm saying the relationship between the board and its employees does not change with this legislation.

Mr Stewart: That's what I'm trying to get you to say — not "get you to say"; I don't mean it that way; never, not I. That's what I'm trying to clarify, that that really hasn't changed as far as the employee goes.

Ms Larmer: Yes.

Mr Shea: Just to clarify a couple of points raised and to bring some reassurance to Mr Gravelle, let me begin, since we're focusing on two issues at the same time — funding and governance — and he stirred my heart particularly as he spoke about Atikokan, I think. His figures, and I dispute them, would indicate that the best that fee generation might yield would be in the order of 6%, and I think he's being very modest. In fact, with Atikokan receiving something in the order of about a 6.6% grant, if we were even to accept his figures, then there would be a very even trade. This would be very revenue-neutral.

In terms of the budget — let me be sure I'm very clear about this — right now you have responded to my questions by affirming that under current legislation, municipal councils have full control of line-by-line budgets of libraries.

Ms Larmer: Yes.

Mr Shea: That will continue in the new legislation?

Ms Larmer: That is unchanged.

Mr Shea: Okay. In terms of appointment of members to the board, currently there are some requirements of who should be appointed in terms of citizens or non-citizens. That's in the current legislation.

Let's talk about the current legislation for a moment because you have considerable experience in the system. Who appoints the current citizen appointees?

Ms Larmer: Council appoints all members of the board.

Mr Shea: Council decides whom they'll choose?

Ms Larmer: The appointees are by council, yes.

Mr Shea: So council has pretty strong controls even now under the current legislation. It can decide who is appointed to the board or who is not and it can decide the line-by-line budgets of the library boards.

Ms Larmer: That's correct.

Mr Shea: Councils in essence right now, as we live under current legislation, really do have full control of their boards. They are accountable but they obviously are certain that under the current legislation, library boards manage day by day and are allowed to interact with the professional staff in a very appropriate fashion for the good of the community. In many ways, much of that will continue under the new legislation.

Ms Larmer: The appointments process remains the same, yes.

Mr Shea: Yes, that's all. In terms of the current funding, I'm puzzled because Mr Martin left me with the impression that there will be, under the new legislation, some struggle for library boards to have access in what I call the higher key of municipal budgetary priorities, that there will be a real struggle, that the library will have to get in there and compete for dollars against all the other municipal departments. That's the impression he has left me with, but I must say I have some sympathy with his position, because isn't that currently the situation? Don't library boards in fact have to go in and compete for their annual budgets against all the departments in the municipality?

Ms Larmer: That's my understanding.

Mr Gravelle: Just one other quick question. There are two very important sections in this to be noted, and you did note them, but sections 30 and 38 are what?

Ms Larmer: Section 30 required that the minister provide grants to libraries, and I think section 38 provided some remedies for withholding the grant.

Mr Gravelle: And they're both removed now in terms of provincial funding?

Ms Larmer: Yes.

Mr Gravelle: I'll leave it at that. Thank you very much. Madam Chair, I just want to make one comment here.

The Vice-Chair (Mrs Julia Munro): Okay.

Mr Gravelle: I just want to put on the record that there is a submission put in by Janine Grady, which was a written presentation to the committee. She was not able to make the list in terms of the presentations, so I want to be sure that her comments and presentation are read by all members and certainly are included in the process. It's an exploration of the impact of the proposed legislation on the viability of libraries in the smaller communities of Ontario. I've had a chance to read it and it's very valuable and makes some important points. I wanted to put that on the record.

The Vice-Chair: I'm advised that the clerk has made sure that copies are being distributed.

Mr Gravelle: From Tottenham, Ontario.

Mr Shea: Madam Chair, on a point of order: I know that perhaps some of us are a little more sensitive than others. I'm thinking perhaps even right now of Mr Martin

and others of us who have been doing night shifts with great diligence. We may be feeling the warmth of the room. It has nothing to do with the political debate or anything else, but it may be a little stuffy and warm. Is there some way that we can cool the room down just a touch or get some fresh air rolling in here without blowing the Chair around? Would you like to grant that unanimous consent? Thank you. Let's at least get fresh in here so we can pay attention.

The Vice-Chair: I'm advised that the clerk has made some recommendation in that area. We also may be able to get the window open.

Mr Shea: I will authorize the clerk to stamp her feet and really make sure they listen.

ONTARIO PUBLIC LIBRARY ASSOCIATION

The Vice-Chair (Mrs Julia Munro): I'd like to call upon the Ontario Public Library Association. Welcome. For the purpose of Hansard, I would ask you to identify yourselves, please.

Mr Larry Moore: I'm Larry Moore, the executive director of the Ontario Library Association, which is a 3,700-member federation of associations working together to further college, university, school and public libraries across the province. It is our pleasure to present to you the president of the Ontario Public Library Association, one of those groups that has a particular concern with this bill. Linda Linton will do the presentation.

The Vice-Chair: You have 15 minutes in which to make your presentation.

Ms Linda Linton: I'm delighted to be able to speak to you today on behalf of the OPLA. This division represents librarians, authors, publishers, library planners and friends of libraries. This presentation will focus on five main areas of Bill 109: library governance, confidentiality, access to free library service, provincial grants and support of the provincial infrastructure. I will do a synopsis of the brief that you will receive.

We do not believe it is the intent of this act to do away with library boards or the volunteers who participate in these boards, nor do we feel it is the intention of this government to change the current management of library systems. However, Bill 109 opens the door for these things to happen and over time they will.

Mr Young: Excuse me, could I ask you, should we be following too or just listening?

Ms Linton: This is not exactly what you have in front of you.

Mr Young: So we can read this after?

Ms Linton: Yes.

This is not in the best interests of the government or the public.

It is our strong recommendation that this government support the retention of public library boards with a citizen majority and an arm's-length relationship with municipal councils. This is consistent with this government's recent approach to the Police Services Amendment Act, 1997, which establishes a model for majority citizen involvement. Furthermore, this would discourage municipalities from taking over the direct management of libraries.

By retaining an arm's-length relationship with council, we can ensure the protection of intellectual freedom and prevent constraint in the selection of library materials. This will provide a local base for provincial development of library networks and improve every voter's access to information regardless of where they live.

1030

On the issue of library governance, therefore, we would ask you to do the following: specify that boards consist of a minimum of three people, as in the Police Services Amendment Act, 1997; that employees of the municipality cannot serve on the board; that the majority of the members be local volunteer appointments; that board meetings be public; that the board meet at least six times per year; and that appointments to the board be advertised.

On the issue of confidentiality: Library staff and library boards have always protected individual library records, and we are dismayed to see that section 28 of the 1984 act, "inspection of records," is now missing from the new act. On the issue of confidentiality, we recommend that section 28 of the Public Libraries Act, 1984, be retained in Bill 109.

On the issue of free library access: Access to information is the cornerstone of a democratic society. By protecting the rights of everyone to access information regardless of its format, we ensure that all citizens, rich and poor, enjoy the same opportunities to compete in a global society. Restricting free access to only the print medium fails to recognize the technological changes that have taken place during the last few years. Much of our information, especially government information, is now only available in an electronic format. Another example is the Canadian Encyclopaedia. Electronic information is easy to use and affordable. However, the present wording in the new act allows only those who can afford to pay the ability to access this type of information.

Second, as the current bill reads, even simple reference questions could be subject to a fee-based structure. In other words, under the new wording of the act, access to these free books would be a chargeable service.

I will give you an example of a recent situation that we experienced in our library. We had a homeless couple come into the library during a cold February night. They had no money and no place to go and they were looking for emergency shelter. Of course, all of the agencies were closed in the evening, but by using our community information database, we were able to find the emergency phone numbers for two shelters in our area. We called the shelters and they spoke with the couple. Under the new act, that couple could not have asked for the free advice we were able to provide if our municipality had chosen to charge for basic reference service. They would have gone away empty-handed. When I spoke with one of the agencies the following day, they told us we could expect more of this type of question as funding continues to be reduced to more and more of our poor.

On the issue of access to free library service we recommend that services not be limited to the print medium but should include all media, including electronic formats, tapes, CDs, videos etc; and that basic reference questions be exempt from any fee structure.

On the issue of provincial grants: Over 55 of our small libraries in Ontario, many of them in the north, are totally funded by their provincial grant. With the loss of provincial funding, many if not all of these libraries will close. Medium-sized libraries will also be forced to reduce services and hours. It will become more difficult for all libraries to participate in sharing networks and there will be less incentive for large libraries to share with their smaller neighbours. On the issue of provincial grants we recommend that current direct grants to library boards be continued.

Support of the provincial infrastructure: Last Thursday I was privileged to participate in the official launch of Network 2000. This is the provincially funded project that will lay the basic foundation for the electronic network connecting libraries, schools, hospitals and municipalities across the province. At this launch the deputy minister, on behalf of the minister, spoke eloquently on the need for this increased and improved access to electronic information, to enable us to have a competitive edge in this knowledge-based economy.

The minister's speech stated that the government is placing great emphasis on library networks such as this to allow all Ontarians, regardless of where they live, public access to the rich resources of Ontario's public library system. The minister's speech also stated that in our new information age, libraries have indeed become far more than the repositories of books. In Canada, less than 7.5% of the population own personal computers with modems. The public library is not only a place to go to read books; it is a place where someone with no other access to computer technology can learn to use a computer, with some guidance and at no cost. The wording of the new act is inconsistent with this message. By allowing a fee for services other than the loan of print material, computer access will not be available to all Ontarians, and this will only serve to increase the division between rich and poor.

This free access to information also makes the public library the place that other community agencies turn to to provide information to their clients. They know it is the library's mandate to provide access to information and to provide it without charge. This is just one example of the many types of partnerships that libraries have developed within their own communities over the years. Without the necessary changes to the current act, this kind of sharing of resources may no longer be freely given and it will create a barrier to the free flow of information.

The new act encourages charges for the use of computers and non-print material. Libraries may begin to charge one another for information and interloans, and this will in turn create a patchwork of service and further inequalities between the citizens of Ontario.

To maintain the provincial infrastructure, we recommend that Bill 109 require a citizen majority on library boards; ensure universal free access to information regardless of format; ensure free access to basic reference service; maintain confidentiality of library records; continue to maintain grants to support the provincial infrastructure; and make possible the continued sharing of resources between libraries and other government organizations.

Thank you for your time. I will be happy to answer any questions.

Mr Gravelle: Thanks, Ms Linton, Mr Moore. You've brought through some very useful amendments and I think you've summed it up very nicely. A key recommendation — there are so many areas; we don't have time — is a citizen majority on the board. As you stated, I think quite generously, the minister in terms of what she says seems intent on believing that this will not hurt the boards terribly, if they are not citizen-majority boards. Based on what she's saying, is there any reason why she shouldn't include something in the legislation to ensure citizen-majority boards, volunteer board members? Is there any reason you can see that they would not want to add that to the legislation?

Ms Linton: I would like to see her add that to the legislation, yes.

Mr Gravelle: She has tried to say that she doesn't believe this will make a difference. It's interesting, too, in terms of the whole question of user fees. That was a poignant and good example of how the system would work in that case, even for just reference material.

Most people haven't talked much about section 28. Tell us more about section 28, because it's probably one of the ones that's been least talked about. That's being repealed. What does the repeal of section 28 really mean?

Ms Linton: It's now missing from the new act.

Mr Gravelle: And tell us what the importance of it is.

Mr Moore: The confidentiality of borrowing records is what's in question here. Other freedom of information legislation in the province does not cover this in any manner that we feel comfortable about. This particular provision in the 1984 act seems to us to be a necessary part of a continuing future. We can't have our users' records able to be accessed in that way to see what they're reading. We have had requests over the years from police agencies and so on for such records, but the viability of that is really quite important.

Mr Gravelle: Why is it being taken out, in your opinion?

Mr Moore: We don't honestly know. We think it could be just a mistake, quite frankly, but it's a very major mistake.

1040

Mr Martin: Thank you for coming. There's some sense from listening to Mr Shea that not a whole lot has changed re this act and the governance of libraries, that what was there before is there now. If that is the case, why would you be raising some of the points that you have this morning re the governance of libraries? What is it that you're reading into this, which obviously Mr Shea isn't, that leads you to be so nervous in some of the areas you've pointed out?

Ms Linton: We know there are municipalities that wish to do away with library boards, and in fact this bill would allow them to create a board of one person. That person could be a municipal employee.

Mr Martin: Why wouldn't they have done that before?

Ms Linton: The previous act prevented them from doing that.

Mr Martin: Another point you made that I thought was rather good and one that we need to focus on is this

question of the move from — I'm not that well versed in library lingo — books to electronic and the attraction because of the fact that you can charge for the new type of services and you can't for the print medium; the impact that will have particularly on smaller communities that won't be able to afford the new technology and will not be able to plug into the larger centres' technology because they're going to be guarding it. Could you expand on that a little further?

Ms Linton: Under the wording of the new act, the only thing that libraries are expected to provide for free is print material. Increasingly in our public libraries, print material is making up a smaller and smaller portion particularly of information-type material that we provide people. We still have vast collections, obviously, of fiction material, but in the area of reference material, encyclopaedias, Internet access, CD-ROM access and so on, online access, that kind of information could be charged for under the new act.

Mr Martin: Following up on the question of section 28, is there any sense that has anything to do with perhaps a subtle move towards censorship? We have a member of this committee who's already injected himself into the question of censorship of books in libraries.

Mr Young: No, that's not true.

Mr Martin: My cynical nature has overcome me here, but is this a crack in any way towards —

Ms Linton: We would like to think not, that merely it was just overlooked.

Mr Young: Let me correct the record about Mr Martin's comments. What I injected myself into was that parents in my community were objecting to a particular book as being age-inappropriate for grade 12 students in the Halton Board of Education. I did get involved in that issue, representing the parents in my community.

I want to ask you in a similar vein, because I represent a community that has been traumatized and made permanently fearful because a little girl from their community was kidnapped, raped, tortured and her body was defiled, and that was outlined in a ghoulish book, and I want to emphasize an inaccurate book, in their community. This is a book, by the way, that anybody can buy for five bucks at a corner store, so it's not necessary that it be in the library. The father came to the library board, he begged them in tears not to put that book on the shelves in his community, and they rejected him. I want to ask you, where is the accountability of the citizens' board?

Ms Linton: I think there is the expectation that the board is representing the interests of its community. If people were unhappy with that board's decision, they have the right to go to that board, they have the right to go to that municipality and object to the decisions it has made.

Mr Young: What accountability do they have when the board members all say, "We think we should have it"? Who do they go to? Where's their appeal?

Mr Moore: To begin with, the board remains accountable even under the new act. I'm not sure the situation changes. This is an issue we could debate in a number of ways, but the board —

Mr Young: The situation changes because a majority have to seek public office.

Mr Moore: That's one of the concerns: that intellectual freedom, as boards are expected to protect, will be weakened, no question. At the same time, the board is still expected to weigh the actual needs of the community and the response of the community and have a selection policy they can actually stand by.

In this particular instance, the board made a decision in favour of keeping the publication in the library because the larger community, they felt, did give them that particular message. It's very difficult.

Mr Young: I assure you the larger community didn't.

The Vice-Chair: Thank you very much for appearing here today. I appreciate the comments you've made.

YORK PUBLIC LIBRARY

The Vice-Chair: I'd like to call upon Eileen Keith, the vice-chair of the City of York Public Library board. Good morning, Ms Keith, and welcome to the standing committee.

Ms Eileen Keith: I have been a member of the city of York library board for nine years, first as finance chair and now as vice-chair. Thank you for very much for giving me the opportunity to speak to you this morning. I want to address three main issues we have concerns about in this new bill.

First, I want to address the funding, the elimination of provincial operating grants to library boards, and how these cuts in grants and changes to the library legislation would reduce access to information. Third, I'd also like to comment on how Bill 109 will weaken library governance by surrendering it to municipal councils. My remarks will be directed not only to the proposed legislation, but also to statements made by the Minister of Citizenship, Culture and Recreation in introducing Bill 109.

First, the provincial funding cuts: The provincial government has revealed its intention to phase out operating grants to library boards over an unspecified period of time. In 1995-96, provincial grants were \$30 million. On November 29, 1995, the Minister of Finance announced that this amount would be cut 20%, to \$24 million, in 1996-97, and 20% again, to \$18 million, in 1997-98.

The decision to cut and now to end provincial operating grants is being driven by, we see, the Conservative government's need to deliver on its election promise to cut the tax rate by 30%. The removal of \$30 million in direct subsidies to library boards will result in inevitable cutbacks to library services. The Minister of Citizenship, Culture and Recreation has stated that Bill 109 will both improve the delivery of services to the people of Ontario and lower the costs for these services. Bill 109 will lower the costs of library services because the provincial government is cutting its grants to libraries. How funding cuts will improve the delivery of services the minister does not explain.

The provincial operating grants flowed directly to library boards, thereby ensuring they were used only for library services. By giving municipalities full responsibility for funding libraries, the provincial government will force libraries to compete for funding with roads, transit, water treatment, welfare, public health, social housing, child care and long-term health care, whose costs are being downloaded on to municipalities.

The proposed removal of the education portion of the local tax bill is not going to make up the shortfall. Education costs are expected to remain stable, while many of these other costs, especially long-term health care, are expected to go up.

Because the provincial operating grant was conditional on libraries providing free access to materials, it promoted the principle of equity of access to information. Libraries will now have to choose between either cutting services or else maintaining services by imposing new user fees, thereby resulting in reduced access to information.

Our library board is already, because of this proposed bill, agonizing over how we're going to deliver service. Do we charge our constituents, who are not generally well off, or do we cut back on the range of services we can provide and provide freely? It's a real conundrum for us as library trustees to try and do the best we can with the limited money we have to use.

In terms of the reduced access to information, I think that's part and parcel of what I just said. Under the present Public Libraries Act, library users may borrow all prescribed circulating materials free of charge. Under the proposed legislation, only books and other print materials and materials for the disabled will be exempt from user fees. This change represents a major reduction in public access to information from the present situation. We feel it's based on a narrow and outdated view which regards print as a special format entitled to preferential treatment.

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It's been said before that information today is being created digitally and disseminated through electronic networks and digital formats, for example CD-ROM, and there's a lot of material out there that isn't in print. It goes directly to electronic form.

The number of knowledge workers in the economy is steadily increasing. Competing effectively in today's knowledge-based service economy requires unimpeded access to the information highway and libraries responding to the challenge by providing access to knowledge in digital form. Imposition of user fees on digital information will impair efforts to keep Ontario competitive in the global economy.

Granting local authorities the right to introduce and set user fees for borrowing non-print materials and other services will remove fair and equal access to library services and will promote inequity of access to information, which would see a patchwork of user fees and divide communities into information haves and have-nots. It will damage efforts to improve literacy and job skills needed to compete in the global economy and to encourage lifelong learning.

A further concern is the surrender of library governance. Bill 109 tries to make the withdrawal of direct financial support to public libraries more acceptable to municipalities by giving them the authority to determine the composition, qualifications, size and rules of operations for library boards. Of major concern to us is that it removes the requirement that citizens make up a majority of board members or that citizens even be appointed to library boards at all.

Bill 109 preserves only the name of library boards. It removes their independent authority and effectiveness and

hands them over to municipal councils. The provincial government's decision to surrender control of library governance and administration to municipalities marks the end of a long, proud and successful tradition of volunteer citizen library boards in Ontario.

To meet the challenges arising from the ending of the provincial grant and the downloading of services on to municipalities, public libraries need to have effective advocacy from citizen representatives to secure adequate funding for library services. The board I'm on has members from all blocks of life: educators, business, psychology, accounting, retired people, young people. It's a broad spectrum of the population.

There was a question earlier about the municipality controlling the board because they appoint them. Believe me, once people get on the board they evolve a life of their own regardless of the fact that they're appointed by municipal council. I see our board certainly as being at arm's length from city hall and trying to do its best to serve the information needs of the municipality as a first priority. I think citizen representation is critical to good governance.

If you also have issues like censorship, the pressure is on the library to either add books, remove books, do something about the content of its materials. Having an arm's-length organization say, "No, we need to provide materials of all types to all users," makes it easier on a municipality. They could lay the blame on the library board. It isn't the municipal councillors.

The arm's length, I think, gives more room for negotiation and a better, hopefully more balanced look at censorship issues than I think would happen if the municipality had direct control over it. We have had censorship issues in our city of York. In the previous council we were told to remove a large number of videos because a video store owner didn't like us loaning out videos and we were able to say no to that. If we were just a committee of council, I'm not sure how we would have been able to do that. We need independents to be able to stand up to the pressures of various groups and try and present a reasoned response to that. Also, we're free. I think that needs to be stated. It's powerful expertise that is provided on a volunteer basis to the library system.

In an address to the Ontario Library Association 1997 Super Conference on February 7, 1997, the Minister of Citizenship, Culture and Recreation described the present Public Libraries Act as "too prescriptive on matters such as board composition, board meetings and some matters such as board composition, board meetings and some matters which should be the responsibility of the library boards alone — or the library board and the municipality — to decide." What the minister describes as too prescriptive I would prefer to call safeguards. A citizen majority on library boards is the best safeguard for our library services.

In section 1 of Bill 109, "minister" is now defined as "the minister to whom the administration of this act is assigned." What purpose could this change have other than to facilitate the transfer of responsibility for library services from the Minister of Citizenship, Culture and Recreation to the Minister of Municipal Affairs and Housing?

Transferring responsibility for library services from the ministry responsible for the preservation of Ontario's cultural heritage to the ministry overseeing municipalities will lead to the end of independent arm's-length library boards and a surrender to local government lobbyists. Autonomous library boards are able to deal more effectively with calls for censorship and other challenges to intellectual freedom from special interest groups.

We feel that Bill 109 is regressive legislation which is being driven by the government's political agenda, not by the best interests of our libraries and communities. We feel that if passed into legislation Bill 109, as it presently stands, will erode library services, increase costs to library users and remove existing safeguards to our library system.

Mr Martin: We've only heard from two presenters so far and already a bit of a pattern is beginning to develop, in my mind, in terms of some of the real concerns. Certainly I raised this earlier in my comments. One is the issue of governance and control of libraries and decision-making. An anxiety I have and that the two presenters so far, including you, have presented is that this legislation will lend itself to more control by municipalities and elected officials at that level than this objective board that you described as having done such a terrific job.

Even more fundamentally, I think there's a shift here that, as you say, fits into the political agenda of this government. One of the agendas, of course, is the cutting of money to services such as libraries so that they can deliver on their tax break. But even more fundamental is a shift from a collective provision of a service to people that is universally accessible to everybody and a move to a more selfish, individualistic — you know, I have a book and you have a book and we all have our own individual personal libraries, which takes away from the viability of a public library that's accessible to everybody and is able to afford more resources because we've all pooled the cost of that.

As you have referenced here, as we move more and more to an electronic medium, it will become even more important that there is universal access, because where some people now cannot afford to go out and buy books, it will be even more difficult if you have to have the kind of technology in your home that will be required in this. Could you maybe elaborate a bit further on the concern you've raised here around the question of universal accessibility?

Ms Keith: Our system is in the forefront. In fact, it got an award for loaning out software, and now we're loaning out CD-ROMs, again free of charge to our patrons so that they can access the information highway and go far beyond the print medium.

Our budget is going to be cut with the removal of the provincial portion of it, and with all the other pressures on our municipal council to fund, as I said, roads and welfare etc, I see great difficulties in doing that. The library system shares resources. You can borrow materials anywhere province-wide on interlibrary loan. As a library system and our Ontario Library Association we're doing the best we can to provide free, accessible information to patrons who request it. I'm really concerned about being able to do that with all the pressures on us.

Having citizen advocates who are accountable to the community and not to city hall per se I think gives us some clout and some freedom and some lobbying ability, if you will. We haven't even talked about fund-raising, which is another whole issue.

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The Chair: Before you get into that — sorry to interrupt — we're going to have to move along to the other two caucuses so they can ask questions.

Mr Flaherty: I thank you for your presentation. I'm a fan and loyal supporter of local libraries, particularly in my community of Whitby. Here in our legislative library, particularly in the past week when the librarians have been working 24 hours a day, we're much appreciative of their efforts.

The comment I was going to direct myself to was what David Crombie had to say about funding. I think the minister made it clear this morning that 85% — in fact it's more than 85% — of funding now is by the local municipalities and not by the province of Ontario.

The funding from the province this year will only be \$24 million, with about \$300 million coming from the local municipalities. This was noted by Mr Crombie in his correspondence to the minister where he said: "Municipalities now fund a major proportion of library costs amounting to some \$300 million per year. Provincial operating grants were decreased to \$24 million in 1996-97 and will be decreased again. Consequently, we question whether the current stringent legislative provisions are in step with the new realities."

On the funding model we have the reality in Ontario today, that the province has a very small role in funding. Second, on the governance side, Mr Crombie and his panel recommended that it be up to the local municipalities whether or not they even have library boards.

As you know, the government in this legislation, Bill 109, has maintained the tradition of a separate legal entity called a library board, appointed under the new section 5 of the legislation, that is at arm's length to the council, that is a separate legal entity, that is the body that contracts with employees. It is the body that has all the powers that are listed in section 10 of the new legislation.

My point with respect to funding and governance is that the funding follows the path of giving the municipal council the authority to create the board, and the board will continue its present role of operating the libraries, including dealing with the employees. So I don't follow the submission that's been made twice here now that this is not an arm's-length relationship, because legally it certainly is.

Ms Keith: But you have not defined the makeup of that board and that's a real concern to us in the library community, because the makeup of the board could be entirely municipal. And how can you have an arm's-length board when it's made up of municipal —

Mr Flaherty: Do you have a good relationship with the city of York council? Does your board have a good working relationship with that council?

Ms Keith: With our present council?

Mr Flaherty: Yes.

Ms Keith: Yes, we have a good working relationship.

Mr Flaherty: Is there some reason why we, as provincial legislators, should anticipate that library boards

would not have good working relationships with well-meaning elected town councillors?

Ms Keith: Yes. We had a very difficult relationship with our previous council. Some of them are in jail right now for something unrelated to the library. But I'm pointing out that you're assuming a benign council.

Mr Flaherty: No, I'm not assuming a benign council. I'm assuming an elected council of well-intentioned politicians making decisions in the best interests of the community. That's what they're elected to do. I don't assume ill will by elected municipal politicians.

Ms Keith: A separate board with citizen representation, people who are devoted to library services and have some interest and knowledge in that area and are willing to volunteer their time: Why would you turn your back on that and give another job to really very busy municipal councillors?

Ms Flaherty: That's not what the legislation says. The legislation does not say that the council cannot appoint the city people.

Mr Gravelle: I don't think it's a question of assuming ill will on behalf of councils. I think Ms Keith in her presentation has actually made it very clear that the concern is that with the competing demands on municipalities, it's going to be far more difficult for them to basically compete with the priorities, and I think you expressed it extremely well in your brief.

In the little, short time I have, one point you made was that the minister has been saying that this new act "will both improve the delivery of library services to the people of Ontario and lower the cost for this service." Is it not absurd to say that it will improve the delivery of the service when there is just absolutely no chance that can happen, based on this legislation, if it goes through the way it is right now?

Ms Keith: I can't see it improving with less money. It's getting more and more expensive to provide library materials with all these different formats that we've got. Books are relatively cheap compared to some of the other ones.

Mr Gravelle: I was also struck by a point you made which I think is probably pretty realistic. In terms of advocating as strongly as you are for citizen involvement and majority involvement on the library boards, what you said was, "To meet the challenges arising from the ending of the provincial grant and the downloading of services on to municipalities, public libraries need to have effective advocacy."

In a realistic sense we certainly agree that provincial grants should not be completely removed, but if that's going to be the reality — and we know the downloading is going to be a reality — clearly it's very important to have the real arm's length.

Mr Flaherty talks about the setup being an arm's-length thing. The technical people here earlier made it clear that the municipalities can set up a one-person board and they can obviously make it clear in terms of that relationship that there is going to be no particular funding. There will be a relation that obviously isn't set up in an arm's-length way. Clearly that's what we've got to fight to protect. You've made that very clear in your presentation and I appreciate it.

The Chair: Thank you very much for coming forward and making your presentation today.

Committee, I just went temporarily insane there and that ended up being about 20 minutes. We're going to have to strictly adhere to the 15. We'll divide the remaining time between each caucus equally, unless there's only two minutes left, and then I'm just going to let one caucus ask questions of that person because it would be impossible to divide up the two minutes. I hope you'll all just respect my judgement on those cases. Thank you very much.

HURON COUNTY LIBRARY

The Chair: Would Thomas Cunningham please come forward. Welcome to the committee.

Mr Thomas Cunningham: I'll introduce my members, who are here as a contingent. First I would say that we are speaking as a county library board, which is somewhat different, as I'm sure this standing committee realizes. So our brief may be somewhat different in how we see things and our role than maybe some of the previous ones were.

Thank you for inviting us to contribute to your discussion of the proposed legislation affecting public library service. With me today are Murray Keys, warden of the county of Huron, and Beth Ross, the county librarian and CEO of the Huron County Library board.

Our objective is to bring to your attention the concerns of our rural and county library service. The Huron County Library board provides public library service to all residents of Huron county, about 59,000 people in 26 rural local municipalities. We do this from 11 full branch libraries and six deposit stations. Over 33,000 residents have library cards.

First we would like to commend you on certain aspects of the proposed legislation which we agree will help our county deliver more effective library service.

Flexibility of governance structure: Our county library board has always worked in close cooperation with the municipality of the county of Huron. County library boards have always had a majority of elected representatives, county councillors, on the library board, and we do not believe that we have been less effective because of this.

Huron county council will decide on the structure and composition of the new library board, and we are confident that council will appreciate the new flexibility of library board structure. We expect that council will continue to appoint members who will represent the interests of our community. On that point, we did have a discussion at our last board meeting and it was felt from not only the non-elected but the elected people sitting on the board that this is something we feel should and will continue.

The authority to determine branch locations: The Huron County Library board appreciates that this legislation repeals section 21, which required local agreement to close library branches. This now gives the county library board the flexibility to develop library service based on current community needs.

The Huron County Library board does have a few concerns about the proposed changes.

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Definitions: "County" should be included in the definition of "municipality." Otherwise, this causes confusion in the discussion of responsibilities. Later sections clarify that where there was a county library in existence before the new legislation, it continues after the implementation of the new legislation. However, we have heard from village and town officials who were concerned that they would have to deliver library services now.

Name: The proposed legislation changes the name for county libraries. For example, our current name is the Huron County Library board. As we understand it, the legislation would change it to the Huron County Public Library board or possibly the Huron Public Library board. It will require expenditures to change stationery and signs. We do not think this change is necessary.

User fees: The new legislation, in the amendment to the Municipal Act regulations, ensures free access to public libraries and free borrowing of print material. It allows library boards to charge for other services. Our concerns are that this is not a significant revenue source for small libraries, which provide only core services and cannot begin to replace the loss of provincial grants. It will require considerable administration to charge for transactions such as new responsibilities for enforcing ratings for video rentals or determining whether a person is disabled. Most of our libraries operate with only one staff person on duty at a time. Further, charging based on format of material is illogical. For example, some information is only available in non-print format. This may also discriminate against people with low literacy levels who need their information and public library service in non-print format.

Operating grant: Under the new legislation, municipalities are given full responsibility for library services. This includes funding. We understand that there will be no more operating grants as part of the restructuring of provincial-municipal responsibilities. The province contends that the assumption of educational responsibilities by the province will allow municipalities to direct more revenues to other services, including libraries. Our concerns are:

(1) Small and rural libraries have traditionally relied more heavily on provincial funding than larger urban libraries, and thus the impact will be greater upon us.

(2) County and northern libraries received a higher rate of funding in recognition of the challenges of serving a wide geographic area.

(3) Our municipality's early review of the transfer of social services, health, highways and other downloaded costs that have been changed to municipalities from the province may outweigh the lifting of the educational costs. We are concerned that there may not be enough local money left to fund our library service adequately.

(4) Consistent and excellent library service across Ontario cannot be achieved without a strong provincial presence in both the funding and development of library service.

(5) The province continues to commit to a strong library system by supporting the broader province-wide library networks. County networks should also be supported.

The last point is one we want to address. The province is going to continue to support library networks, particularly the work of the Southern Ontario Library Service. County libraries provide this service too. We deliver materials to our public libraries, connect them electronically, provide training programs and share resources.

In 1996, the Huron County Library borrowed 2,200 items from other public libraries but shared 29,000 items internally among our public libraries, received a van delivery four times a week from the Southern Ontario Library Service and ran our own delivery service to our 17 branches and service points.

If county libraries did not exist, the province would have a much higher cost to provide these services to our public libraries. County libraries are networks of public libraries. We connect our public libraries both electronically and physically, and help them share resources. We do this over a wide geographic area with long-distance telephone service, and in areas with low municipal assessment. The province formerly acknowledged this with a higher grant for county libraries. We request that you continue to do so in recognition of the networking services provided by county libraries.

In my case I am an elected person and I have been chair of this library board twice. I was once there as the warden, so I have been on this board many times.

I would say that in our particular case, and it may only be in our particular case — I hope it isn't — the county council to my knowledge has always supported the budget, and I don't recall having any item deleted once the board had made the recommendation to county council. That's during my period of 15-odd years on county council. So I would like to indicate to this committee that it's a very strong and a very good relationship with the county of Huron.

If there are any questions, I'm sure that Beth Ross or the warden would help me to answer them.

Mr Stewart: Thank you for your presentation. We've heard from the two previous presenters that they were very concerned that under the new legislation the councils will either appoint their own people or there could be special interest groups around what they want. I'm from a rural municipality where we advertised for people who had an interest in the library network to be part of that board and indeed the council appointed them to it, and why would you not appoint people who have an interest in that particular thing? Do you think, in your mind, through your council, that this would change in any way under the new act?

Mr Cunningham: I don't see it. I think we've had a good relationship, as I've said. It certainly is the feeling of the board, and that applies not only to the elected but the non-elected as well, that they felt quite comfortable with the present system. As I indicated, we had quite a good discussion within our board and that's why we felt that it was important we make a presentation here. We felt that there were some things we wanted to address, but there are other things within the bill that we wanted to say we are totally in support of.

Personally, I don't see the makeup changing very much. There's no movement that way.

Mr Stewart: The other comment being that the municipalities are now probably, if Who Does What goes

through, to fund the library system. I guess my thought is, "Those who pay have the say." Certainly talking to municipalities in the area where I'm from, I believe they feel that too. They don't want to change it, but they also should have some control of spending and how they do it.

The other comment being the fact that certainly under the Who Does What, they feel the dollars that will be left to the municipality will hopefully offset the variance in the provincial funding.

Mr Gravelle: Good morning. I think it's great that you have that relationship you have in terms of the board and how it works, but regardless of that situation, it seems to me that obviously — you are very clear about the fact that with the provincial operating grant being removed, it's going to have a substantial effect. If that provincial grant is removed, and obviously we think it shouldn't be, just quickly, what is the amount of money the Huron county board receives in terms of provincial transfers?

Ms Beth Ross: We anticipate receiving \$138,000 this year.

Mr Gravelle: So if that is within a period of time completely eliminated, that's \$138,000 that you've got to make up to maintain your services. Do you anticipate that you could have user fees that would make up that amount of money?

Ms Ross: No, not under the proposed legislation or the current legislation. Even if the library board were to choose to charge user fees for non-print material, as the proposed legislation indicates they might be able to, we do not anticipate being able to make that up in any way, shape or form.

Mr Gravelle: I know there are some members of this committee who believe you can make it up with the user fees, and it's just not realistic.

The reality then is that regardless of the relationship that you have with the board and the town councils, if you can't make the money up, you have to either ask the municipalities for more funding, which may be very difficult with the downloading that you've addressed as well — the fact is that essentially it's quite possible then, with all the branches that you operate, that it might be difficult to maintain those services, I presume, unless you are able to at least match the funding that you receive now. Is that an accurate reflection of things?

Mr Cunningham: I think that could be a problem and that's quite likely why we are here; that is, we don't know how this exchange of responsibilities is going to shake down. But if it does shake down as our early analysis says it may, and that is a negative to us in Huron county, then yes, I see some very difficult decisions to be made and it may affect the library service at that time. That is why we are here.

Mr Gravelle: Let alone the fact that if you remove all transfers, that's more.

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Mr Martin: I appreciate your making the arguments that you did today around the question of funding for rural libraries. Certainly that affects us in the north, and particularly the smaller communities in the north where distance is such a problem. We don't have the technologies up there yet to do some of the things that they do

in the larger centres, and I suppose in some way more aggressively than in the north in your instance.

My concern is your lack of concern re the whole question of governance. I recognize that up to this point in most jurisdictions there has been a healthy relationship between municipal government and library boards, a healthy tension that goes on. With the new pressures on municipalities that are going to come with having to fund libraries 100%, plus the downloading of social services and health services now that you have suggested will cost more — like it won't be a wash; that will cost more than what has been taken off re the education piece — do you not anticipate a new power struggle and perhaps a council, well-meaning though it may be in its effort to try to continue to provide services like health care and social services, may find that libraries become a little less of a priority and therefore some of the powers in this bill, which allows for municipalities to completely wipe out library boards if necessary in a conflict, that maybe it might come to that in some jurisdictions?

Mr Cunningham: In speaking with my fellow councillors, I don't see doing away as being of any merit at all within their line of thinking, but at the same time I think you may be somewhat right. But that would apply in hard times anyway. As the restraints upon our budgets come, I think that will apply whether we make these changes or not. It does from time to time and we've had to deal with that, and I guess we will deal with it.

We have in the past had a record that we give increases when necessary but we don't make cuts arbitrarily to the library any more than anything else. We are basically treated as a committee of council, to be honest with you, because of the way it has operated because of the majority of elected people. We have treated it the same as any other committee would be treated on county council. If there are cuts to be made, they are made.

The Chair: Thank you very much for coming today and making your presentation to the committee. The committee appreciates it.

ETOBICOKE PUBLIC LIBRARY

The Chair: Would Elizabeth Brown please come forward? Good morning, Ms Brown. Welcome to the committee.

Ms Elizabeth Brown: Good morning. I'm accompanied today by Jennifer Milne, the CEO of the Etobicoke public libraries.

Thank you for the opportunity to speak to you regarding Bill 109. I have been a member of the Etobicoke Public Library board for nine years, three years as a citizen and six years as a councillor. I have been the chair for three years.

The Etobicoke Public Library board has already expressed to Minister Mushinski the reaction of the members of the board to the proposed bill. The opinion of the board is generally positive. Perhaps the greatest uncertainty for our board is how this legislation will tie into the eventual legislation resulting from the City of Toronto Act, Bill 103. We acknowledge, however, that the Local Control of Public Libraries Act, Bill 109, is to be province-wide legislation, while the City of Toronto

Act affects only the seven governments of the citizens living within the boundaries of Metro Toronto.

We acknowledge that the content of this bill has not been pulled out of thin air. The Etobicoke Public Library board is aware of the extensive consultation that was undertaken by the ministry staff, and appreciate that our CEO, Ms Milne, participated in the discussions. Ms Milne and I appreciate the time and thoughtful approach of the minister and her staff throughout this exercise.

With the Local Control of Public Libraries Act, the library community can celebrate the removal of unnecessary restrictions on local decision-making. The bill permits each library system to design distinct programs and services to meet the unique needs of its community. I expect to see centres of excellence springing up throughout the province and libraries acting as resources within the library community as they share new expertise. In Etobicoke, we recognize that it is often very difficult to accommodate the wishes and agendas of a community as diverse as that of the Ontario library community.

We have concerns that Bill 103, the City of Toronto Act, will dilute the intent of Bill 109. We would suggest that it would be more appropriate to settle Bill 103, the City of Toronto Act which affects the 2.3 million people living within the boundaries of what is now known as Metro Toronto, prior to passage of Bill 109, which affects all residents of Ontario.

Throughout Ontario, our libraries play an indispensable role in educating people of all ages and abilities. The EPL goal was to be the primary source of information in the community. In this information age, EPL has shown there are many opportunities for specialization in the areas of providing high-tech support to information seekers. In our opinion, only with local control will libraries be able to respond quickly to meet the unique needs of information seekers, with service designed to serve the distinct needs of the library users.

The members of the board have concerns about the increased politicization of library service, for better or worse. The result of the City of Toronto Act may well be a library system for Toronto that is one of the largest in North America, with 95 libraries serving 2.5 million people. In our opinion, any board should have an appropriate balance between citizen input and political input to avoid the potential for struggling through a transition process without the representation of those formerly experienced in library advocacy and management.

In my opinion, the best libraries will result if citizens elect those candidates who are either proven library advocates or willing to commit to library advocacy. The Etobicoke board has always been able to attract enthusiastic advocacy from dedicated citizen volunteers as well as excellent representation from members of council. As a matter of fact, the person who was the chair prior to my term was John Hastings, who is now a member of this government, and he served on the library board for six years. So we do go on to other things. On EPL, balance of opinion is maintained because board chairs have traditionally been members of council, while the vice-chairs are citizen members. The new rules allow us to continue ensuring this balance.

1998 will be — you'll have to forgive me for this — a mega-year in the city of Toronto. We really fear that members of the new council will be so busy dealing with the myriad of other matters related directly to the transition that library service would not receive the attention it deserves. It is possible that each library branch could end up with its own lobby group that would effectively dominate and champion only its local branch. We believe that this would weaken the intent of the City of Toronto Act, Bill 103, which was to equalize service generally throughout the new city and manage it effectively.

With challenges in funding formulas, such as the impending elimination of the provincial per-household grant, we can foresee an increasing need for library board members with new managerial and entrepreneurial skills which may not be present today among the councillors or staff. These skills might include marketing, fund-raising and the development of partnerships.

Where do you find qualified citizen appointees? In Etobicoke we have a system of orienting, interviewing and assessing citizen applicants for all public bodies. This process has resulted in members on our board whose enthusiasm and abilities complement the strengths and experience of the political members.

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My personal fear pertains to the issue of censorship. Increased pressure on politicians may bring a return to the days of special interest groups placing a chokehold on the reading materials that are available to the community at large. However, I'd like to add that research shows there is no greater likelihood of censorship in Canada. Whether it is an elected or citizen member on a public library board, the real issue is whether or not you have proper policy and procedures in place to deal with the issue.

Just before I close, I would like to make a request. As one of the two non-unionized library systems in the city of Toronto, the Etobicoke Public Library Board wishes to ensure that the skills, service, wages and benefits of our staff be recognized and protected. Your assistance in this regard would be greatly appreciated.

Change always creates controversy. Previous governments failed to acknowledge the need for change. Your challenge now is to place the control of public libraries in the hands of the local authorities, while ensuring a quality library service that protects equity of access. The province of Ontario has grown so large and so diverse it is virtually impossible to impose one formula that will address the needs of every community. Local control for a local service? It's a great idea.

Thank you to Minister Mushinski for the leadership she has displayed throughout this process and congratulations to all who played a role in preparing this very progressive bill.

Mr Gravelle: Thank you very much for your presentation. I guess I'm a little bit troubled to see that you "expect to see centres of excellence springing up throughout the province" based on this particular piece of legislation, although you certainly recognize that the challenge is "to place the control of public libraries in the hands of local authorities, while ensuring a quality library service that protects equity of access."

Obviously one of the concerns that has been expressed frequently is that the elimination of the provincial transfers is going to have a direct effect on the funding availability for access and even on the implementation of user fees. I'm curious as to how you feel this legislation itself, let alone the actual elimination of provincial transfer payments and the fact that municipalities are going to be under a great deal of pressure particularly — no, I shouldn't say particularly, but certainly very clearly in the Metro Toronto area. I don't know how you can see this particular legislation bringing about a springboard of excellence and in fact simply providing better service, which is what you're implying. If you could enlighten me, I'd be grateful.

Ms Brown: The library community is a very well-educated community. I'm speaking about the professionals involved in libraries themselves. Without legislation that impedes the opportunity, I believe you can develop services that can actually generate revenue by selling these services to the business community, to other levels of government who wish to know more about local communities or local services.

I know that on several committees I sit on, I rely heavily on the skills of the people who work for the library to produce information. These are services that could be sold if we were allowed to do it, and under this legislation we would be allowed to sell what we do best.

Mr Gravelle: Don't you feel that with the downloading that is taking place or the restructuring or whatever phrase one wants to use, these extra pressures are going to make it — there's going to be a smaller community out there that's going to be able to contribute to this? You're viewing this as basically something you can simply, I guess, sell to the community. I presume that's what you're saying, that indeed services could be sold or you can have sponsorship.

Ms Brown: I'm not saying just to the local community though. I know that Etobicoke Public Libraries already collect royalties on some of our patented services that we've developed. These are patented throughout North America and we're actually collecting American dollar royalties right now.

Mr Martin: One of the points you make in your presentation this morning is well taken, and I think fits the context of other presentations; that is, that this bill needs to be seen in the context of the larger agenda that's unfolding. You mentioned Bill 103. I would also suggest that it needs to fit into the downloading initiative of this government, which will see municipalities picking up more and more costs, including the full cost of libraries.

However, the question I want to ask you is around your concern re the question of censorship. As you know, we have a member of this committee who has inserted himself into this debate and is quoted in the *Globe and Mail* of February 4 as wanting to get involved himself. What is your concern about censorship? You raised it this morning. Do we need to have some anxiety re this bill and censorship?

Ms Brown: No, I do not think there is a tremendous threat on the issue of censorship unless people don't carefully elect their political people, because some people are weak and subject to pressure from their communities

to serve a special interest group rather than the entire community.

Mr Martin: Then why did you raise it this morning in the context of this bill?

Ms Brown: This is just something I've encountered personally and you have to be strong to withstand the pressure from the community, to not censor something. People come up with very persuasive arguments and they make a lot of noise, and you can see it. It's the squeaky wheel gets the grease and the library communities have to be very strong. Freedom of information and freedom of speech: These are all very basic tenets of Canadian libraries.

Mr Martin: Are you suggesting that maybe municipally elected officials would be better positioned re this question in governance of libraries or what we have now, which is the bigger board that is more representative of the wider community and has a special interest in making sure that the library's integrity is still in place at the end of the day? What are you saying?

Ms Brown: I think the community will ensure that the library's integrity remains in place because everywhere you have a vocal community, and as long as you encourage citizen input, you will have people coming out to counterbalance. Within the library community it's a very well-educated community, even among the users as well as the professionals.

I think the legislation does not address censorship at all and it probably wasn't even an issue that was considered.

The Chair: Thank you, Mr Martin. I'm sorry, we've gone beyond your allotted time. We're going to have to move to Mr Young.

Mr Young: Do you carry *Hustler* or *Penthouse* magazines?

Ms Brown: No, we do not.

Mr Young: So when you choose not to, is that censorship?

Ms Brown: We have a formula that is based upon the desires of the community we're serving.

Mr Young: So it's choice; it's not censorship.

Ms Brown: We didn't bring in Madonna's book on sex either because we feared it would be (a) stolen, and (b) it wouldn't appeal to the general community.

Mr Young: So it's a matter of choice?

Ms Brown: It's a matter of choice and there is a general formula throughout the library community.

Mr Young: You have user fees now, I assume, for photocopying?

Ms Brown: Yes, we do.

Mr Young: Do you have a toy lending library?

Ms Brown: No, we don't.

Mr Young: Because in my neighbourhood they charge fees for lending toys.

Ms Brown: I believe that's covered by a social agency in our community.

Mr Young: Of course some people think of fines as kind of a user fee as well.

But what I want to ask you about is, with videotapes and audiotapes, movies, self-help books, books on hobbies, toys and Internet services, all the services they provide, when do education and literacy become entertainment and hobbies because the original purpose of

libraries was to provide books to people in the interests of literacy and education?

Ms Brown: The difference between education and hobbies is just perception because people learn continually through their involvement in their day-to-day activities. People can learn just as much from reading a book on how to design a Web site as they can from fooling around on their computer. It's a different path to learning.

The Chair: Thank you both for coming forward and making a presentation to the committee today. We appreciate it.

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CANADIAN UNION OF PUBLIC EMPLOYEES, ONTARIO

The Chair: Would Sid Ryan please come forward. Good morning, Mr Ryan. Welcome to the committee. I'd appreciate it if you would introduce the folks who are with you.

Mr Sid Ryan: Jim Woodward is the legislative assistant for CUPE Ontario. Steven Burdick is the committee chair for the libraries within Ontario. Joanne Martin is the associate coordinator for libraries in Ontario. My name is Sid Ryan. I'm the president of CUPE Ontario.

CUPE represents almost 5,000 public library workers in Ontario, almost all of the unionized workforce in Ontario libraries. Our members are very active in CUPE Ontario and in their CUPE locals.

CUPE library workers consider their work both a vocation and an avocation. They have firsthand knowledge of how important the public library is to the community it serves. They know what improvements must be made to ensure public libraries are able to meet the emerging needs of our diverse communities and keep up with developments in technology.

CUPE library workers understand that Bill 109 will destroy the public libraries over the long term. This is why they want to present to this committee to urge them to recommend that Bill 109 does not pass into law.

With more than 1,100 service points throughout Ontario, public libraries provide access to more than 28 million books for research and recreation. There were 172 million visits made to Ontario public libraries in 1995, an average of almost seven visits per person. Libraries have one of the highest levels of attendance of any cultural institution.

Library workers monitor who uses library services and which services are used so they can better serve the community. People who use the new Tecumseth Public Library rank it top of all cultural and recreational services. Ignace, a community in the north, serves a population of 1,600 and circulated 14,000 materials last year.

Most libraries report a steady increase in usage. The Ottawa Public Library had an increase of 10% in circulation last year to almost four million items lent. Smaller communities report steady increases in circulation. While usage increases, grants have been cut steadily for the past few years from about \$40 million down to \$24 million.

The government plans another cut before downloading funding and responsibility for public libraries to the municipalities. The province plans to take out the final

\$24 million in grants to libraries. The cuts represent anywhere from 7% of a larger library's budget to 20% of a smaller library's budget. Smaller libraries will also lose the contracts made with surrounding communities that do not have a public library. These contracts are funded by provincial grants that will also be eliminated.

Ontario municipalities have already endured transfer cuts of \$660 million, a 48% reduction, since 1995. The downloading of responsibilities will result in further municipal funding shortages of \$1.6 billion.

Public libraries will also be in competition with public transit, road repair and snow removal for funding. Library workers fear that libraries will lose in the funding competition simply because libraries provide a benefit to the community that you cannot see or touch. People can see the result of cuts to road repair immediately. It takes longer to notice the impact of the loss of the library.

Libraries are the cultural and information centre for the community. With the arrival of the information age, quick access to information is key to full participation in society and the economy.

Most libraries already report staff cuts from the last rounds of cuts. For example, Metro reference has reported the elimination of 140 positions over the last five years. St Thomas library has had its staff reduced from 42 to 21 since 1992. Staff cuts mean cuts to hours, services and programs. It means the loss of valuable, trained, experienced staff. It becomes more and more difficult to keep up with new developments and to maintain even basic services like putting the books on the shelf in a timely manner.

Metro reference has lost 20% of its collections budget. Without adequate funding, library collections will soon become out of date. The Ottawa Public Library is already facing a \$600,000 spending cut.

The southern and northern library services have faced severe cuts by the province, which impair their ability to serve smaller libraries. Smaller libraries have introduced programs to adopt a book. These programs are no replacement for adequate funding.

The new Tecumseth Public Library was forced to close for four weeks last year resulting from the previous cuts. The main branch is open only four days a week and is no longer open on long weekends.

The Atikokan community may have to deal with an almost 30% cut by closing their library between three to four months of the year.

The final withdrawal of funding by the province, coupled with the competition for scarce municipal dollars, could spell the death knell for small public libraries and result in significant cuts for medium- and large-sized libraries.

Libraries are more than just book lenders. Programs provided by libraries include adult literacy programs, children's programs, and cultural and craft programs. Services in the library include access to the Internet, access to computers for activities such as résumé writing, and access to books and materials in other libraries through interlibrary loan. All these services and programs are now at risk of being cut.

Young families, seniors and persons with low income all make frequent use of the library. The public library is

one of the few cultural programs that everyone can have equal access to. Branches and small libraries are now located in most communities. If these libraries are closed, people without transportation will no longer have access to library programs and services.

As libraries are forced to close for extended periods, the programs will also be unavailable. If the Atikokan library is forced to close for three to four months, its literacy program will lose its home and access to services for the same period. Ironically, the literacy program just received a grant for \$10,000.

Libraries in small communities provide a centre for community information. People use the library to look for work, get ready for interviews and prepare résumés. The computers are used to maintain their skills while they look for work. All this is lost when the library has to close.

Many children's programs have already been cancelled in smaller libraries because they can no longer afford them. These programs provided an early introduction to the value of reading to young children. The programs provided inexpensive activities for families with low incomes.

Under the changes proposed in Bill 109, user fees will be allowed for the use and loan of all non-print material. This means all the sources of information, such as the Internet, video, compact disc and audio formats are open to charges unless it is specially formatted for persons with disabilities. The principle of universal access will be abandoned. Studies show that the introduction of user fees will mean fewer people will access the services.

Although there is a fee exemption for persons with disabilities, many people will slip through the cracks because defining a disability involves a judgement call. People have different learning strengths. Some learn better by reading; some by hearing; others need visual aids. It is important to maintaining a high level of literacy that material be available in all formats without charge.

Only those who can afford to pay will have access to information in digital formats. Digital formats are becoming more prevalent and will replace print formats in some areas. This means those who can't afford to pay will be more and more restricted in their access.

The elimination of the grants that support the contracts for library access means user fees will be introduced for all people living outside the community who want to use the library. Many families will not be able to pay these fees and will be cut off from library services.

The small amount user fees raise will be more than offset by the number of people cut off from information and culture.

Public libraries require a strong provincial role to maintain quality and standards. A strong library network can't be maintained without a strong program of developmental funding. Bill 109 eliminates the provincial role of funding and maintaining a strong provincial network for libraries.

Interlibrary loans are based on the idea that we are stronger if we share. Interlibrary loans are labour-intensive. Larger libraries are net lenders and therefore the program represents a cost to the boards. With the loss of provincial grants, there will be less incentive for larger

libraries to share as they face funding cuts. The interlibrary loan technology will be irrelevant if larger libraries stop participating or start imposing user fees. Mississauga library already does not participate in interlibrary loans.

The interlibrary loan system is also at risk as small public libraries are forced to close. The whole network for interlibrary loans will disintegrate. Communities will become more isolated and less capable of gaining access to information and literature.

The remaining libraries will become more isolated. Libraries in other provinces may stop lending to libraries in Ontario if there's no reciprocation. The library system will be weakened.

At this point, I'd like to pass over to Steve Burdick who will finish the presentation.

Mr Steven Burdick: Governance: Municipalities will be able to control the size and composition of boards under Bill 109. The requirement for majority community representation will be gone. Many small libraries fear the town clerk or the mayor will be the library board and the community will have no say.

Volunteer boards brings governance closer to the people. They involve more members of the community. Board members develop an in-depth understanding of the issues facing libraries.

Library boards play a valuable role as well as they attract people who care about keeping the library vibrant and they work to meet the cultural needs of the community. They also provide a valuable buffer between municipal politicians and the community to address sensitive and contentious issues, such as censorship.

Independent boards commit many hours to fund-raising. People are more inclined to donate money when they know that their donations are dedicated to a special purpose. Many of these donations will be lost if municipalities govern and control the library budgets.

In the small northern community of Ignace, the community of 1,600 raised \$120,000 for a new building designed to house their library. The community has now learned that the mayor wants to move the library to the school and use the library as a town council office. A petition has been signed by 650 people to save that library, but its fate is uncertain.

The Who Does What panel recommended merging public library services with school libraries. This simply will not work. There are significant differences in the population served, merged and co-located with schools. A school is an inappropriate access point for adults both in terms of ease of access for adults and safety for school children. Many schools as well are far too small to serve the general public. Despite these problems, many local governments will move to eliminate the public library and claim the school library can provide the service.

Cuts to library budgets mean more than job loss. The remaining library workers are hurt by the cuts. Demand for services grows at the same time staff decreases. As the staffing levels decrease, stress increases for those remaining. Stress due to understaffing has become a pressing health and safety concern for library workers.

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Injuries have increased dramatically for library workers. In recent years, Toronto Public Library workers

have seen a huge increase in injuries and attribute the increase to staff cuts and increased workload. Now 38.2% of the staff report musculoskeletal injury, which is an overuse injury, such as repetitive strain.

Many library workers also see their income decrease due to cuts in hours.

Staff in many communities must fund-raise on their own time to make up shortfalls in the budget.

Fewer budget dollars are left for training, but technological developments demand significant training so we can serve the community.

There's also pressure to increase the use of volunteers or to use workfare workers as jobs are lost. But libraries cannot run by replacing trained, experienced library workers with volunteers. These are skilled jobs that our public cannot afford to lose.

In her January 15 announcement, the minister states that the province will support a province-wide library network through partnerships. That means privatization. The local library boards are given the mandate to privatize under Bill 109. Privatization will introduce greater costs to the system and result in loss of jobs for well-trained and experienced CUPE members.

Many services, such as finance, maintenance and a whole host going to be contracted out. Contracting out may lead to a ratcheting down of wages and a worsening of working conditions. Public jobs will be lost. The result: A decrease in skilled experienced workers and a loss of decently paid jobs. Last year alone, this province lost over 32,000 jobs. We cannot afford the job loss that will result if this downloading goes through.

Adopting policies and procedures of the local government will result in a loss of autonomy and services for the public library.

Private contractors will determine the level of service and how the service is provided. Costs will be outside the control of the board. CUPE's experience with contracting out shows that initially bids are low, but once the local government depends on the contracted-out service, costs rise.

In conclusion, even though libraries are one of the most utilized cultural institutions, they lack a high visibility in the community. People notice right away when there's a pothole in the road; it gets fixed. Unfortunately, it takes a little longer to see the effects of the loss of a library. Parents will lose valuable but inexpensive programs for their children. Community services will be gone. Literacy programs will suffer. By the time the impacts are felt, it will be too late; the library will be gone.

It will not cost much to strengthen and improve libraries in Ontario. It would take very little to destroy the system. If passed, Bill 109 has the capacity to dismantle our library system.

Here are our recommendations:

Bill 109 should not be passed.

Pre-1995 budget funding levels should be restored to libraries.

User fees should be prohibited.

Universal and equitable access should be restored.

Independence of boards should be maintained.

The boards should be more accountable and more representative of the community.

Worker representation on library boards should be provided.

There should be a meaningful consultation established with the public, local government, library board and worker representatives on how to improve libraries. If that consultation results in library amalgamations, establish a process that protects jobs and collective agreements, and protect the public delivery of all library services.

I might note in conclusion that our committee also put together a brief for you. There are many recommendations embedded in that brief as well, which are largely similar to these.

The Chair: Thank you very much, all of you, for making a presentation today. We've gone a little bit beyond the allotted time. I want to thank you on behalf of the committee for coming forward. I'll make sure that the other brief gets copied and circulated to all members. Thank you very much.

SUDBURY PUBLIC LIBRARY

The Chair: Would John Sturtridge please come forward? Good morning, Mr Sturtridge, and welcome to the committee.

Mr John Sturtridge: My name is John Sturtridge. I'm the chair of the Sudbury Public Library board. To my left is Marian Ridge, the CEO of the Sudbury Public Library board. We've prepared some remarks in response to Bill 109.

I would like to point out that just within the last day or so, we've also received support for our presentation from a neighbouring municipality, the municipality of Walden, so we're speaking for some of the northern libraries that don't always get 20-degree or 24-degree weather in April. I still have four feet of snow up north.

The Sudbury Public Library board has reviewed the Local Control of Public Libraries Act and its companion, regulation 26/96, and we've reviewed these with both interest and concern. We understand and appreciate that the government has made some changes early on in the development of this bill and we hope this committee will continue to follow with recommendations that come from the libraries' long use and long experience. We hope these hearings will provide the government with recommendations which will strengthen the act and ensure that the intent of the legislation can be enacted across the province.

The Sudbury Public Library board appreciates this government's stated intention to strengthen and safeguard our library system, its recognition of the need to remove some of the prescriptive measures of the previous legislation in order to permit greater municipal decision-making, and its emphasis on developing the technological infrastructure for the future. These are all reasons, we think, to welcome this legislation.

Our board wants to take the opportunity, however, to recommend some changes or enhancements to the legislation that we believe will strengthen it. These fall primarily in three areas: changes in governance, in user fees, and in regard to the province-wide library network.

The Sudbury board supports the government in its desire to maintain operating library boards. We recognize

that public library service is primarily a municipal responsibility and that the major load of the costs of this service are borne by the municipality. We support the municipality's right to make decisions affecting local service and we support and endorse its responsibility to appoint the library board.

Although the previous legislation may have been unnecessarily prescriptive in some areas, we do believe, however, that the legislation should still include a requirement for citizen-majority public library boards. We believe that citizen representation is essential in representing the interests and needs of the communities and we believe that citizen-majority boards would be consistent with this government's goals of putting this kind of service at the level of the community, at its nearest level.

Municipal councils have a large and increasing workload, and municipally appointed volunteer governing boards can save the council a lot of time and ensure at the same time local control of the service. With careful appointment by councils, volunteer citizen boards will enhance the effectiveness of councils by bringing special skills, abilities, interests, enthusiasm and commitment to the success of library services.

Volunteer citizen-majority boards bring government closer to the people, and the governance role of the boards is the most meaningful contribution available to many volunteers in the community. Public library boards may be appointed by municipal councils, but they are driven by a private citizen's need to contribute to public service.

We believe public library boards act in that way at arm's length between municipalities and can mediate between elected officials and special interest groups. Nowhere, we think, is the value of this demonstrated more than in challenges to intellectual freedom. Freedom of information is a cornerstone to the quality of the contribution of libraries to Ontario. Without information in the libraries and without the ability to access that information, all the citizens of Ontario will be poorer for it, and changes in legislation which have the potential for reducing access to such information makes that more likely.

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Citizen-majority governing boards also provide consistency and continuity in policies, services and collections, which go beyond the three-year terms of individual councils. Public libraries are a long-term investment in the quality of life of Ontario's communities and often board members are long-term serving members. They can provide that continuity and keep a long time, a generational horizon, for decisions instead of a three-year political horizon, which often causes difficulty.

We know already that the government has recognized the value of citizen-majority boards. They have done this in the delivery of police services, for example. The Sudbury Public Library board recommends that you extend this to public library boards as well.

With regard to user fees, the proposed regulation 26/96 substantially safeguards the free use of traditional paper-based library services. You can go into the library, pick up a book and take it home with you. However, the Sudbury Public Library board believes the regulation does not provide municipalities or their boards with sufficient

flexibility to respond to local conditions. For many libraries it may result in the reduction of fundamental services in order to provide other services which may seem to be revenue generators. We have discovered that revenue is often not cost-effectively generated at a library level. To date, there is no evidence whatsoever that any fees raised would be sufficient to contribute meaningfully to the revenues required to run a good library service.

We hope that during the review of this legislation you will look again at some of the documentation from other libraries and other library-related organizations that has been collected and focus on the impact of charges such as membership fees. These charges are often counter-productive, do not raise expected levels of revenue, and we think in the long term will drive people away from what is one of the most cherished public services in Ontario.

Our library board is also concerned that the regulation does not adequately reflect the changing information needs and changing information formats that will come in the future.

By linking the ability to charge fees to particular formats and special services, a two-tier system is prescribed which cannot be responsive to cultural or information changes. Such a prescription, it seems, works against the stated intention of the bill, which is to reduce prescriptiveness.

The Sudbury Public Library board supports free access to and use of public libraries and all their resources, regardless of formats. However, we're not so naïve as not to recognize that municipal governments have to identify other revenue sources to support their services. In its current form, this regulation prevents public libraries from establishing what may be more cost-effective fee systems.

Finally, with regard to the province-wide network, we are pleased to read the minister's statement, "Provincial support for libraries will be directed to province-wide networking between libraries and other information sources." We aren't pleased, of course, to lose provincial financial support, but we're hoping that it does go into at least the networking end. The province-wide network has been fundamental to local library service delivery and to the province's continued support for developing the technological infrastructure for the network of the future.

We are concerned, however, at the contradiction between developing a network for greater access and the possibility of fees which restrict access to electronic information. Access to information should not be restricted to paper-based formats. We believe that, to be consistent with the principle behind free lending of books, the public must have free access to resources obtained through electronic methods. It is the information that counts, not whether it pops up on a screen or whether it shows up between the bound covers of a book.

We are also concerned that the provincial role has been confined to network development. A network is only as strong as the individual nodes within that network. The technology only has meaning if it can connect resources and people. You can build the fastest, best-designed, best-funded network in the world, but if that network is connected to nodes that don't have information worth

looking for because of funding cutbacks, or if they're not there at all because they're being increasingly shut down as a result of fewer library services or fewer resources, then what's the use of having that network? What you will have developed is the so-called information super-highway, which is driving from one deserted town to another.

The withdrawal of all provincial funding for public libraries may result in weaker collections and services, and that will reduce the value of the network. It may discourage, rather than encourage, libraries from supporting and participating within a provincial network strategy. The loss of a per household grant may weaken rather than strengthen the cooperative structure which the government envisions.

Public library legislation is not changed every day and I don't imagine it's changed without a great deal of time and effort. This legislation has been around for a long time and, again, we support some of the changes that are proposed in it. But this is a serious matter for all of Sudbury's public library users and indeed for all library users across Ontario.

We applaud the strengths of the legislation but we urge you to consider our concerns and recommendations and those of many other public libraries and library organizations. We hope we can help in making this bill even stronger. Thank you.

Mr Martin: I certainly appreciate you coming down from the north to make a presentation on behalf of those of us who call the north our home. You make some I think really good points in your presentation. I suppose your support for some parts of this bill would probably be even stronger if it weren't being done in the context of the further downloading that's going on in municipalities which will cause greater strain and pressure for funds.

I wanted to ask you to elaborate maybe a little further on your statement that this regulation prevents public libraries from establishing cost-effective fee systems. What did you mean by that?

Mr Sturtridge: If it's required to generate revenue in the library service, the legislation as it stands now restricts our library's ability to, say, choose a service which would generate a fair amount of revenue, but the legislation says you can't charge for it. There is a prescription in the legislation that says maybe you can't charge for this type of service or that.

We're saying that if we have to charge for something, it would be better for individual libraries to assess their community and determine which service would allow them to generate the most revenue and allow them to make that one the revenue generator and allow the rest of the services to be free. With some restrictions in place, that reduces our ability perhaps, on an individual level, to find a cost-effective revenue generator.

Mrs Julia Munro (Durham-York): I'd like to follow up on Mr Martin's question because I too was sort of puzzled by this. I wonder, given that the legislation clearly indicates areas of free access and print material and so forth, what kinds of revenue-generation restrictions are you thinking of, specifically?

Mr Sturtridge: Membership fees or charging for cards and things like that have often been mentioned as revenue

generators. I believe we could not at the moment, for example, charge to get somebody a library card. That would remain. It may be that you have a specific library in the system that finds that they could generate a significant amount of revenue without having a deteriorating usage. Without the flexibility of choosing that, they would not be able to use that as a revenue generator.

We don't anticipate always charging for things. In fact, we would hope funding would continue to a level that we would not charge for any of our services, but it is a tight time, as has been noted by others.

Mr Gravelle: Thank you, and welcome. It seems to me, and please correct me if I'm wrong, that your support for the bill in whatever aspects there are is conditional on having some significant amendments to the bill. Is that an accurate representation? Because if it isn't, there are a lot of things here that you have great concerns about.

Mr Sturtridge: I certainly have concerns about it, and I think this is the time to make changes or modifications to the bill that will make it, overall, stronger. It's difficult, for example, to say this is really good on the one hand and this is bad on the other, then have the whole package, because then you know you're going to get something that isn't going to work.

We can live with, and have lived with for quite a while, the existing legislation. While it can be made better, I'm not sure that it can always be made better at the expense of damaging the library.

Mr Gravelle: You feel very strongly about citizen majority boards, for example, and they —

Mr Sturtridge: Yes, citizen majority boards are crucial. They are crucial simply because they are a buffer between short-term political goals and very active, very vocal special interest groups in the community. People who are on the boards are volunteers, they aren't paid, and they spend a lot of time trying to develop long-term policies for the libraries and defending those policies. They are crucial, and if that disappears I think you will see the end of a lot of good libraries.

The Chair: Thank you very much for coming forward today and making your presentation to the committee.

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IRVIN SHERMAN

The Chair: Irvin Sherman, please. Welcome, Mr Sherman, to the committee.

Mr Irvin Sherman: Thank you, Mr Chairman and members of this committee. I am pleased to appear here today before this standing committee and generally speak in favour of Bill 109, which relates to local control of public libraries.

I have been a patron of the public library system in Ontario for more than 30 years. I spent 14 years as a library board member, and for three of those years I was chairman of the Metropolitan Toronto Library board.

Since I commenced my service as a library board member in 1978, municipalities have become more involved in the control over their own public libraries through the appointment process, through the funding process and through plain political persuasion. Of course these changes came about as the result of, in most

instances, statutory change. The inevitable consequence of the proposed shift in funding of municipal services in this province is to give the municipality control over the total funding of its own library board. Local government can now be more responsive to local needs.

I would submit to you that there's been increased political involvement in library boards over the last number of years as a consequence of local politicians becoming more involved in the boards, in the institutions they fund — you pay the fiddler, you call the tune — and that's what the general trend, I would submit, has been over the last 10 years or so. It seems to me it would be patently logical that if you're going to pay for it, you'll have some control over it. You're responsible, as a local councillor, for the expenditures of this money either directly or indirectly.

Notwithstanding what I've said, there are two principles enshrined in this act. I don't know if they're perfect, you've heard similar comments earlier, and they'll address concerns that I now present to you.

The public library will remain a corporation; that is, a legal entity separate from its creator, the local municipality. The library board has a status of its own, and I would submit that this is good for psychological reasons. An independent board permits citizen involvement in the formation of policy for the library board and in determining community needs and setting community standards. From a practical and political perspective, it insulates some municipal politicians from the issue of censorship.

I support and encourage the local government to permit citizen involvement on public library boards. I know I have benefited from having been given the opportunity to serve. In return the library board can benefit, and indeed for decades has benefited, from the knowledge, dedication and experience of citizen library board members.

Since the establishment over 150 years ago of the Mechanics' Institute, the public has had free access to library materials. This free access is maintained under Bill 109 as it relates to printed material and specially formatted material for persons with disabilities.

There is a growing use and reliance in public libraries of material in non-print, computerized format. It would be illogical and wrong in principle for a patron to have access to the Toronto Star and to have to pay to read the Globe and Mail in computerized format, especially if the Globe is available only in the latter format. For the Star or Globe you could talk about two different journals. The library has one physically on hand that you can pick off the shelf and you can get access to it for nothing, and the other journal of equal quality, shall I say, equal importance, the citizen would have to pay to read it. It doesn't quite make sense if you want to have free access to information.

As I look up and see the megacity debate, I'm going to talk a bit about megacity. With the establishment of the megacity of Metro Toronto, seven library boards will be dissolved under Bill 103. Six of these libraries are created under the Public Libraries Act and the seventh library, the Metropolitan Toronto Library board, is created under part IX of the Municipality of Metropolitan Toronto Act. Under Bill 109, every public library established under the Public Libraries Act will be continued.

As the Metropolitan library is not created under the Public Libraries Act, it shall remain dissolved. I encourage you to see that this important oversight is corrected.

In the Municipality of Metropolitan Toronto Act there's provision for the establishment of a special services library board. This provides services to the local Metro community and also services to the Ontario library community, and by operation of part IX of the Municipality of Metropolitan Toronto Act, in subsections 40(1) and 40(3) of the Public Libraries Act, the minister may make special grants to the Metro library.

Let's assume that we've overcome the problem of the continuance of the Metro library board, and I believe representatives of that library board will be speaking to you on this issue this afternoon. The minister can't make grants to a nonentity, so I think this committee should assure that the provision for a special library services board be maintained, that the library board be the Metropolitan Toronto Library, and there should be legal provision, provision in law, for the ministry to make the appropriate contract for services. Under Bill 109 the local area pays for municipal services and it would be unfair, I think, for the citizens of the new city of Toronto to have to pay for the provincial library services that the ministry demands.

The seven public library boards in Metro Toronto spend \$130 million each year on library service. This is a testament to the importance our local politicians have placed in providing library service in Metropolitan Toronto. Indeed, it's a wonderful reflection of the quality of life we enjoy.

Charles Wilson was Dwight Eisenhower's Secretary of Defense, and his defence policy in the time of the Cold War was to get the biggest bang for the buck. I state that with the megacity we can get a bigger bang for a lesser buck as same relates to public library service. We do not need seven public library boards, seven chief executive officers, seven acquisitions and cataloguing departments and seven computer systems, most of which cannot talk to each other.

Under Bills 103 and 109, one local government controlling one library board can effectively and sufficiently provide the excellent library services the residents of Metro Toronto now enjoy, and perhaps at a reduced cost.

If I could talk now about some other sections of the bill which were important to me: Under section 10 of the proposed act the library board is given the power to help curb vandalism and unruly behaviour which are often seen in our public libraries. This power has long been needed, and I'm pleased to see it's very specifically defined. Hopefully this will help curb the growing problem of damage to expensive library materials and to deal with unruly and rude people who often frequent the local libraries.

1220

Under subsection 13(3) of Bill 109 the library "board may, by resolution, establish...sick leave credits." I have nothing against sick leave credits. Indeed I believe the provision for sick leave credits on a municipal basis goes back to 1975 in the amendments to the Municipal Act. However, I say that the estimated cumulative sick leave liability may represent a very significant liability to our

local governance. I recommend that such benefits become operable when a system for their funding on a sound, businesslike basis has been established. I suppose you can't disestablish vested rights, but I think that if you're going to continue sick leave credits, you just can't have it open-ended. I believe when John Kruger was — I'm referring to memory now —

Mr Shea: CAO.

Mr Sherman: — yes, CAO of Metro Toronto at the time of Paul Godfrey as chairman, Mr Kruger did a study of the estimated vested cumulative sick leave liability in Metropolitan Toronto. It was around 1981, 1982, 1983, around there I remember. At that time it would have cost Metro Toronto \$150 million, an eighth of a billion dollars. That's one heck of a lot of money. It doesn't happen each year, but in these economic times it's happening more frequently. I'd like to see a curb put on sick leave benefits until the appropriate funding mechanisms have been put in place.

I also notice in the new bill, section 2 provides a statement of purpose which reaffirms the direction a library service is expected to be provided in this province. I would submit to you that this statement is not legally binding but it does constitute a precatory direction — I took that from a case in immigration law — for those who provide library service in Ontario to keep on providing the library service we have experienced in the past and which we demand in the future.

The policy statement in section 2, I don't know if politicians will like it. Look, when your citizens implore you, you're supposed to provide good quality. Here it is in section 2 and it's an effective arguing tool; I'll say that. I don't think it's legally binding, but it does state what we expect, what we have experienced in this province and what we should expect in the future.

I thank you for affording me 15 minutes.

Mr Shea: The free access to information is obviously one issue that is of some interest to you. When you talk about access to information — let me ask you to focus on information — in your mind, what is information? What should you have access to in a library?

Mr Sherman: Knowledge of many forms. You're writing a paper. You're a tradesman. Mechanics' Institute, for example, taught a young fellow, in those days, to learn a trade; you want to be entertained; you like reading fiction, anything that —

Mr Shea: Books, electronics?

Mr Sherman: That's right. Anything heretofore that was in print.

Mr Shea: Videos.

Mr Sherman: That could have a pedagogical effect — videos are interesting — because that gives rise to local control, how much you can afford. There's the issue of competition of the local Blockbuster Video store, but should a library compete with that? We get that issue in zoning problems too: Should you permit the establishment of a big plaza when —

Mr Shea: We're going to pass by that question.

The Chair: Sorry to interrupt. We just had a minute and we're already beyond that.

Mr Gravelle: Let me actually follow up on that for Mr Shea because it really is an important discussion. I

think by the minister saying, "Gee, we're going to provide free access to print material" — the fact is that the world has changed, is changing. You gave an illustration of it in your presentation.

You can argue that it's too cute by half to say we're going to give free access to printed material when indeed the world is racing ahead of us. In essence we're taking away free access, and you shouldn't be promoting it as such if the world is changing that way.

Mr Sherman: Yes, I think we should be promoting free access, but how much does it cost and so on? How much can the municipality afford? These are policy decisions the local library boards are going to have to make and I guess you, as the senior level of government, can set the direction.

Mr Martin: Thank you for coming before us today. Certainly there isn't anybody around this table who doesn't support the contention that we need to evolve and change and respond to the reality of the day.

You did, however, present some challenges to the government re this bill. I would ask you if you would support or encourage the government members to support an amendment. Would this go a ways to alleviating some of your fears that would guarantee the continued existence of public boards and a majority of those boards being citizen appointees? Would you support and encourage the government members to support an amendment that would see free access to all information supplied by libraries?

Mr Sherman: I thought about the first question you've asked and it's a very difficult question. I'd like not to even answer it. I don't know if I have the political skills not to answer it. I suppose with the affluxion of time the Chairman will come to my aid.

It's a policy decision that you have to bear the responsibility for. It can go both ways. We're spending \$130 million in Metro Toronto. Most of it comes from the local taxpayer, the local government, and I think if the significant majority of the funds are coming from the local government, then those who represent the local government should control it. There should be significant citizen input into the library.

Free access of library materials: In theory you're right, 100% right: Let everybody have access to information. It's priorities we have to establish in times of declining resources and allocation of services and other necessary areas. Municipalities are going to have to draw the line someplace. It's a tough question. I don't know if I'm qualified to answer that.

Thank you for raising it. It's important.

The Chair: Thank you, Mr Sherman.

We will now recess until 1:15.

The committee recessed from 1228 to 1324.

ONTARIO PUBLIC LIBRARIES STRATEGIC DIRECTIONS COUNCIL

The Chair: Good afternoon, ladies and gentlemen. Our first presenter today is the Ontario Public Libraries Strategic Directions Council, chaired by Colleen Abbott.

Ms Colleen Abbott: Good afternoon, ladies and gentlemen. My name is Colleen Abbott. I am the chair of

the Ontario Public Libraries Strategic Directions Council. I'm accompanied today by Hazel Thornton-Lazier, the vice-chair of the council, and C.K. Tan, the president of Avita Technologies Corp.

The membership of our council is drawn from a broad cross-section of library organizations that serve the needs and interests of public libraries throughout the province. These organizations, which are listed at the conclusion of our brief, represent every kind of public library in Ontario, from very large, urban libraries to very small, remote, rural libraries.

The purpose of the strategic directions council is a very simple one: to further the development of public library services for the people of Ontario. Part of our mandate is to serve as a communications vehicle about issues concerning public libraries, and that of course is why we are here today.

The council has prepared a brief on Bill 109 that has been distributed to you. We hope that you will take the opportunity to read it and to understand our views on the proposed legislation.

For our presentation to you today, the council would like to focus on the purposes of Bill 109, an exciting venture that the public library community has initiated and in fact has already commenced in partnership with the Ministry of Citizenship, Culture and Recreation and a private sector consortium.

The purpose statement of Bill 109 focuses on equitable access to information through a province-wide network. Last week, Network 2000 was launched. Network 2000 is a visionary initiative that will be a major component in the creation of the province-wide public library network. At the launch Mr C.K. Tan, president of Avita Technologies, the lead in the private sector consortium supporting this initiative, presented the private sector vision of public libraries in Ontario, of their role in information access and the renewal of Ontario's economy.

The council has asked C.K. to participate in our presentation today with an abbreviated form of his presentation of last week in order that you too may have a sense of that vision.

Mr C.K. Tan: The virtual library is actually the thing of tomorrow. What you are seeing right now is that the Network 2000 initiative is the private sector's and the government's together. The private sector involves Avita Technologies, Microsoft, AST and Bay Networks, and this mandate is to build a virtual library in Ontario.

What you're going to see is that we recognize that the library, that information today is most powerful, and all of you here probably know that the people who own the information are the ones who have the upper hand over other organizations.

Industrial society: Canada is ahead of the Third World because we have a very powerful knowledge base and a very good social infrastructure. Many of the early industrialists recognized the importance of libraries to provide the knowledge and also the infrastructure to nurse the growth of society. One of these people, as you know, was Andrew Carnegie. He built hundreds of libraries. These libraries provided knowledge to the children, and the children became society's backbone. I believe that libraries actually build societies and libraries have a key

role in the developing of the economy and the growth of countries.

Libraries are the hubs of societies in the sense that they are places where people work and meet together. They exchange information. The librarian provides the role of collecting and sorting the information. Yesterday, the library was a paper-based society where people just go through paper. Today, and in the future, it's electronically based. The virtual library or the Network 2000 initiative is to support in this area. The virtual library needs the central governments to support commitments on the network initiative itself.

What we have mentioned is that librarians are the unsung heroes. They are the people who have worn many hats and their contribution has always been overlooked, underestimated and unappreciated. That is the real thing here.

We believe libraries will have new demands, especially of a new electronic age. Network 2000 is actually a province-wide network to provide information and electronic media. You will see the role of the library change. The library people will no longer just go to libraries. If you provide a remote user request, people can access information from home. You have on-line help to the chat line. The library will also provide top-quality information.

The library role will serve the small business and also serve a fast-growing sector called SOHO. You've probably heard about that. It's the small office and home office sector.

I'm going to go into a data part to show you the economic benefit to libraries, our prediction that it will benefit these sectors, and you'll see that with Network 2000 the clock will clear up. That's the future of Ontario. 1330

SDC, the strategic directions council, initiated the Network 2000 strategy many years ago. They understood it's a big mountain to cross in terms of the difficulties that society is going to face. They came up with a couple of areas, a common strategy that has to have big infrastructure building for the libraries; provide training for the librarians; digitize the contents so that information can pass electronically; partnership with the private sector — that's why we are here today with all the organizations, to help the public sector; marketing the concept to help some of the small organizations; and most important, to provide standards and registration so that organizations can work together.

The virtual library: The concept is that you access information by electronic media. However, the tools to make it happen are no longer paper tools; you have the digital format. It's a place where you share information. Also, librarians need training so that they also can access all this information remotely.

Today many organizations already have their own community. I believe these communities need to be connected together. You need a central body to do that. The provincial government needs to form that central body and it needs to be connected to form a virtual library.

The goal of Network 2000, which is the virtual library, is to provide a standard library implementation and establish Ontario library network standards. It will also ensure that remote communities have equal access to

knowledge and information. There is no point in building a highway when there's no knowledge in it. Ontario also is to become a leader in the knowledge-based society.

We believe that Network 2000 and also the future Ontario will have a direct impact on the economy. It will create multiple jobs, and with the multiple technology we're going to develop through it, we will really be able to export it. They call it virtual library technology. Today you are probably listening to some visionary statements. Twenty years from now you will probably tell your grandchildren, "Your dad was listening to how the society changed to the electronic forms."

The social and economic impact of Network 2000 will save millions of dollars. That's what we believe. It will help the economy to grow. We believe the secret weapon of society is still the library. However, the library is no longer paper-based but is still a library of interconnection together by electronic media.

There is a justification as to why I say that the library will save money. We believe that in the future there will be a lot of small business home offices. People will work from home. These people need to access information. They don't have to go to the library. Network 2000 will provide their needs, their connection. We estimate there are 100,000 SOHO users right now and they are growing. They are the fastest-growing sector of society. We estimate a user might go 10 times to do research on information. Each time it costs \$50. That's why we arrive at a \$500 saving per SOHO user. We believe there's a \$50-million saving in society alone. I strongly believe that government should put money back to support this initiative.

Small business: Every one of you knows that small business is the fastest-growing sector of society. It provides the most new jobs in Ontario. I'm a small business guy. I understand the requirements of how sometimes I need information. Unfortunately, I do not have the support or the big corporation like GM and Ford Motor. They have their own librarians. I wish access to this organization. So Network 2000 will allow me, from the architectural design, to access libraries as a service. We estimate there are around 100,000 small businesses in Ontario; probably more than that.

Assume that I have to do a simple research and this research takes me through the libraries and helps me to benefit from the service strategy requirement. I think I might make probably \$100,000 per usage of the library. If we do that times 100,000, we see that there is probably \$100 million of contribution to society. I want to make sure that society never forgets the importance of the virtual library and the role the library plays in society.

In conclusion, we always believed it is not you in here who built the libraries, it's really the infrastructure, the library that we have today that built our society and put us ahead of people. Andrew Carnegie is a person who had the vision and helped us to build society, and I really don't want to see that destroyed. We have a new secret weapon, Network 2000, which requires the essential support of the government.

Thank you for inviting me here today.

Ms Abbott: I just want to mention that C.K. gave a version here of his presentation and he kindly has given you copies of the fuller presentation for your information.

I hope now that you have some sense of the excitement of our community about this project, about a province-wide initiative that will enable the purposes of Bill 109, that will ensure equitable access to information is achieved for all the citizens of Ontario regardless of their geographic location. This is a province-wide initiative. It will be realized only if provincial interest is retained in Ontario's public library system, only if there is a strong role for the province of Ontario in the Local Control of Public Libraries Act, a role that is inclusive of funding, provincial coordination of local initiatives and leadership for the libraries of Ontario and the people that we serve.

We thank you for the opportunity to appear before you today.

Mr Gravelle: That was very exciting. It really is obviously a look into the future and I'm very grateful that you had an opportunity to do that.

If I may, I'd like to ask you one question, though, in terms of your presentation, which I did get a chance to look at. I note that on the issue of governance — this is an issue that we're probably going to be dealing with consistently in the next three or four days of hearings — you have some concerns in terms of the definition of the library board, and indeed you think Bill 109 needs to have some changes to it to include particular requirements. Can you tell us a little bit about that for the committee?

Ms Abbott: We fully support the intent of the legislation, which is that libraries should be controlled at the local level. We have, in many of our communities, operated that way and do support that.

Our concern is that those local governments have some framework in which library boards will be framed so that there is consistency across the province and so that there is effective leadership at that level. The role of the citizen has been simply invaluable in that process. It's hard to imagine that many hours being devoted to the development of another service in this province.

Mr Gravelle: So you think it's something that should be in the legislation to make it clearer for those in the communities.

Mr Martin: Thanks for coming. I find this tremendously exciting, and I don't think there's any of us who don't want to get ourselves there. The only problem of course is accessibility. We both come from northern Ontario, where distance, weather and geography is a huge challenge for anything that we do. How do we get this into places like Chapleau, Wawa and Manitouwadge?

Ms Abbott: That's what this project is all about.

Mr Tan: Network 2000 itself — actually, right now there are 15 nodes being built. There are 450 libraries or more in Ontario, so this is just the beginning of the building of nodes. There is more funding required. However, the first 50 will actually make sure that all the major backbone is built up and slowly — it's not that the project will be done by today. Usually there is at least a five- to 10-year initiative to make sure the whole — my vision is that at any time somebody can be staying in Wawa and be able to do it from home and access any information, no different from a person who is in Toronto. That will mean going through a lot of infrastruc-

ture building, interconnections, and theoretically a person in Wawa can actually request a service of any library to search this information from it.

Mr Young: Mr Tan, I find the project very exciting and I understand that you've received some considerable support from our government, \$366,000, plus more from economic development, \$1 million. I think it's very exciting.

I wanted to ask you something on the technical side. Waterloo university, Guelph and Laurier share a library and they have one-day delivery to any one of the three. I'm trying to figure out what a library is going to look like in 10 years, and obviously, this will be part of it. Could this network be connected in future to the other provinces, to the United States and worldwide? Because of course we know knowledge doesn't stop at borders.

Mr Tan: The answer is that we have trademarked the virtual library itself, and yes, the answer is there will be two areas. One is a corporate connection, one is voluntary, and Internet is one of the worldwide libraries. Unfortunately, Internet is not organized. You go down there, you don't know where to look for it. The role of the librarian will never change. The role of the librarian is always to sort and provide information. Today, you want to do research, you go to the library, they will give you that kind of quality of information record. So the answer is yes, you will see that.

Right now we believe that's the first technology ever going to be implemented and we probably expect to see other provinces coming along and probably that technology will be exported to them.

The Chair: Thank you all for coming forward and making a presentation today.

1340

AURORA PUBLIC LIBRARY

The Chair: Would Verna Ross please come forward. Good afternoon, Ms Ross. Welcome to the committee.

Ms Verna Ross: Thank you, Mr Chairman. Today I speak as the chair of the Aurora Public Library board. Library service has been part of Aurora for nearly 150 years. It began with a Mechanics Institute in the 1850s. It has grown and flourished and now has nearly 25,000 cardholders in a town of 33,000 citizens. Our library has been part of many changes in legislation, many changes in municipal boundaries and many changes in town councils. We are pleased to be part of the current development in legislation governing public libraries.

Most of the funding for this long service was, and continues to be, provided by the town of Aurora's town council. The town, through its council, supports library service with one out of nine tax dollars raised for local services. That's not talking about what the county takes and what the school board takes, but one out of nine tax dollars for local service in Aurora goes to libraries. This support will not change because of this proposed act. Citizen support for library service in Aurora is very strong. It is seen as a necessary municipal service.

The Aurora Public Library board has been following and responding to the changes now in this act since the issues were first raised by Mr Eves in his financial statement on November 29, 1995. We have expressed our

views to Minister Mushinski through copies of letters to our MPP Frank Klees. We have met with Mr Klees twice on these matters. We think Minister Mushinski has done a marvellous job of protecting the essential underpinnings of the library system.

I wish to address several aspects of the proposed act.

The Aurora Public Library board supports the three principles outlined in the preamble: public libraries successfully providing Ontarians' information needs; public libraries successfully providing Ontarians access to educational, research and recreational materials in a knowledge-based society; public libraries successfully providing Ontarians access to local, provincial and global information through a province-wide public library network. We ask that each clause in the proposed act be measured against these three purposes.

We are pleased that the act states that public libraries continue to be governed by public library boards. We believe that Ontario will be best served by library boards that ensure a balance between municipal fiscal control and citizen participation in the planning and delivery of impartial library service that meets community needs.

Library boards also ensure a very effective form of volunteerism due to the high level of expertise and the commitment of library trustees. The Ontario government supports the valuable role of dedicated volunteers in local services. Minister Mushinski has had this important segment of our society added to her mandate. This was one of the recommendations in the Report of the Advisory Board on the Volunteer Sector, Sustaining a Civic Society in Ontario. We ask that library boards consist of a combination of elected municipal councillors and volunteer citizen members.

The concept of tax-funded core library service was maintained. Libraries are not free. They have never been free. They are tax-funded. We find the proposed definition of core service that focuses on the borrowing of books and print material to be very narrow and somewhat old-fashioned for a modern library, as you've just seen from the presentation before me. We find the definition at odds with the Ontario government's practice of publishing material in electronic rather than print formats. Tax-funded access to materials published by the government of Ontario has to be provided through the province's infrastructure. Therefore, we ask that the definition of core service be broadened to ensure that the citizens of Ontario have equal access to information, regardless of the container in which the information is stored.

The proposed act maintains a provincial commitment to the infrastructure necessary to give all citizens of Ontario equal access to a wide range of information sources. We are pleased that the act states that the province will continue to fund the sharing of resources and the development of the networks necessary to give all citizens access to the resources they need to thrive in their business and personal lives. Therefore, we support the provisions in the proposed act which keep a strong provincial role in resource sharing and technology infrastructure.

In conclusion, the Aurora Public Library board believes in the concept that public libraries are community resources where all citizens can access current infor-

mation from a wide range of sources. Our municipal council pays 92% of our budget. Yes, we must compete with arenas, seniors' centres and other municipal services, but we have provided library service for nearly 150 years. The citizens of Aurora will continue to work with their council to provide the level of service they think meets their community's needs. The provincial infrastructure will enable our citizens to reach out to many sources for the resources they require for recreational reading, information and life-long learning.

The Local Control of Public Libraries Act must enable the Aurora Public Library to fulfil the three purposes in the preamble: a public library successfully providing Aurorians' information needs; a public library successfully providing Aurorians access to educational, research and recreational materials in a knowledge-based society; a public library successfully providing Aurorians access to local, provincial and global information through a province-wide public library network.

Mr Martin: Thank you very much. You certainly present in a very positive, constructive light some of the challenges that you see facing us with Bill 103. The points you make in the little boxes are certainly consistent with what we've heard from most people who have come forward so far: an emphasis on the need for citizen members on boards; an emphasis on the need for access to information through various mediums; and a continued strong provincial role in the delivery of the service. What happens, in your mind, if we're not able to get that kind of guarantee built in to the bill and this government moves forward with the initiative that is suggested here, in your experience and understanding of the library system?

Ms Ross: I don't understand what you mean by "guarantee."

Mr Martin: If there's no guarantee in the bill that we will have volunteer citizen members on boards, if there's no guarantee in the bill that access to information through various mediums is going to be free to citizens, if there's no guarantee in the bill that the province will continue to be a major player in the delivery of library services, what happens to the library system?

Ms Ross: I don't think the sky is falling. My position in this paper is that the municipalities have provided library service for 150 years. Because the province turns over the other 8% of our funding to our council and lets our council build its own library board, library service in Aurora will continue to be provided at the same level at which it is now.

Mr Martin: Really, what you're saying here is that it would be nice if this was in the bill, but it's not a big deal.

Ms Ross: It's not a big deal for us in Aurora; it may be a big deal for other people. We have been through several changes in legislation over many years and library service continues to thrive, and the citizens of Aurora, as someone said this morning, will elect a council that will put in a good library service.

1350

Mrs Munro: Thank you very much for bringing forward here what I think is really one of the most succinct presentations we've had. I wanted to ask you a question about the issue you raised in one of your lines

about the fact that nothing is free, that obviously this service has been provided by the taxpayer.

There's been a lot of discussion about the issue of costs and the issue of fees. A presenter earlier today referred to the fact that print was cheaper than some of the other forms of media that are available. So I want to ask you, is there a role, in your view, in the area of fees, and what kind of role should fees play in relation to real cost?

Ms Ross: Since libraries are not free, they are tax-funded, in discussion with the council in Aurora they will decide which items will be tax-funded and which will have fees beyond what mandate is in this bill. If the citizens of Aurora say, "We want the online service provided free," they will put the pressure on their council and it will be provided free, the same as services that in other towns are charged for are not necessarily charged in Aurora. I think that's a local option and that many local councils and many local library boards under this new provision will not charge fees for many of the things they are permitted to charge for. I don't think permission necessarily means that everyone will charge for them.

The point the Etobicoke library made this morning that once you are allowed to charge fees in certain issues you can market your skills in your library or market your services, we cannot do that at this point. I think it may make changes and some things will be charged for, but I don't think necessarily that everything that's not mandated will be charged for. Each local option is a very good way of going.

Mr Gravelle: Good afternoon, Ms Ross, and thank you very much for your presentation. Certainly 25,000 cardholders in a community of 33,000 is pretty amazing. It's very impressive.

Despite your optimism that regardless of what happens, the municipality will still support the libraries, can you not see a situation there, potentially at least, where because of increased pressures on the taxpayers, that belief might be shaken, that there obviously are going to be other priorities that go in there and there will be a need, if the provincial funding is removed entirely, to find extra money? Do you not see that there is a certain danger there that it'll be hard, with some of the downloading pressures, to maintain that support?

Ms Ross: No. I trust the democratic process in the town of Aurora. If they want library service, they'll elect people who will give it to them, and that's the responsibility of the citizens in the town. I'm a citizen appointment on the library board and I would support that continuation, similar to under the police boards, but I don't think it has to be a majority, and because of these changes in this act, that municipalities are going to walk away from libraries. I don't share your cynicism about municipal libraries.

Mr Gravelle: I'm not being cynical; it truly is a concern. I think it's a legitimate one, because other communities have certainly expressed it. You say you're a citizen appointee?

Ms Ross: Yes.

Mr Gravelle: Which does speed into the whole point about how there should be citizen involvement in the boards. You have it here as a recommendation and it is

a theme that's emerging. Regardless of whether people are supportive of the bill, they agree that it's needed. So I think you would want to ask why the government wouldn't at least put this in the legislation. They seem to be stating the same things. They want citizen involvement in it; they want volunteer involvement.

Ms Ross: As I said in the beginning, these came out of the statements way back in November 1995 which came from the Association of Municipalities of Ontario. I think we've moved this government a long way by consultation and I would like to move it a little bit farther on the citizens, but if you go back to where they started with the position of AMO, then we would not have had nearly as many things that are already in this act. So the government has moved in the right direction and the reinforcement is of —

Mr Gravelle: You made a great point about core services, and as the government itself is publishing material in electronic form, the whole definition of core services is becoming quite outdated if you leave it to print material. I think that's a good, strong recommendation as well.

The Chair: Thank you, Ms Ross, for coming forward and making your presentation today.

ONTARIO LIBRARY TRUSTEES' ASSOCIATION

The Chair: Would Hilary Bates Neary please come forward. Good afternoon. Welcome to the committee. I'd appreciate it if you'd introduce your companion at the beginning of your presentation for the benefit of committee members and Hansard.

Ms Hilary Bates Neary: My name is Hilary Bates Neary, and I'm the president for 1997 of the Ontario Library Trustees' Association. I'm a trustee on the London Public Library board. This gentlemen with me is Larry Moore, who is the executive director of the Ontario Library Association, of which the Ontario Library Trustees' Association is a division. I have distributed the larger brief from the Ontario Library Trustees' Association and I intend to read a much shorter executive summary of that.

The Ontario Library Trustees' Association represents library trustees from across this province. We are pleased to have this opportunity to address the committee on Bill 109, the Local Control of Public Libraries Act, 1997.

We recognize that the government's intent in this new act is to strengthen the role of the municipalities of Ontario in the development of public library services. With this in mind, the Minister of Citizenship, Culture and Recreation has retained in this legislation the current governance model: library boards. This brief makes recommendations which trustees believe will more carefully define the size and composition of library boards.

In this regard we recommend that this committee consider the new model for police services boards and adapt some of its provisions for public library boards. In order to maintain the independence of library governance from the political process, and to ensure that the needs of the public are paramount in the development of library policy, we recommend that boards should consist of a

majority of citizen representatives. In order that library boards can function effectively, we recommend a minimum number of trustees. To maintain the principles of open government so important to Ontarians, we recommend that meetings of library boards be public and that vacancies on boards be advertised.

The proposed Local Control of Public Libraries Act, 1997, begins with three very laudable purposes. They would serve as an important vision statement to the rest of the act, if the act described how municipalities were to achieve these purposes or what the role of the province would be in ensuring that these goals were achieved. The purposes are also nullified or contradicted by the new Municipal Act regulation which describes the parameters under which public libraries must provide free services. These parameters are very narrow indeed, leaving the way open for municipalities to charge for basic reference services and for access to information in non-print formats. In a knowledge-based economy, which Ontario is well on the way to achieving, giving municipalities the power to levy fees on information or on services which instruct the public in accessing information resources makes no business sense at all.

This brief makes recommendations regarding the definition of free core library services. Trustees strongly believe that libraries are at the centre of the lifelong learning process and provide essential support to citizens throughout the province at all stages of life, at all levels of education and to all degrees of literacy. The new fee regulation would erect serious barriers of access to those citizens with reduced economic means, citizens who probably most require the resources of the public library.

The new act allows public library boards to "work cooperatively with other publicly funded libraries to improve library service in the community." Currently many public library boards and school boards are pursuing joint projects with the blessing of all levels of government. Such projects often involve the merging of services into one public facility with one set of public policies. A legislative framework in which public libraries are charging fees to access reference and information services and non-print formats within the library collections will be a major barrier to the future implementation of such shared projects with boards of education.

The London Public Library board is currently one of the boards in the province that is working very closely with Human Resources Development Canada to bring job bank terminals into public libraries so that members of the public who are pursuing career changes or job searches can use these terminals to access government information about the availability of jobs. This works very closely within our mandate to offer career support services and job-hunting services as part of our reference and information services.

The grants we are receiving from HRDC enable our library to upgrade our own technological framework, the technology by which we help provide public access to the Internet for other information services. These grants come to us, and we are now able to offer an enhanced service because we offer these services free of charge. If we were charging for such access to information, we would not be able to make such a contract with HRDC and we would

not be able to provide our public these important kinds of reference and information services into basic job support and career support requirements. That's another example.

We recommend that this committee revisit the purposes of this act in conjunction with the fee regulation so that core library services which include access to reference and information services as well as library collections in all formats continue to be free to the public.

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The province has had a long and successful partnership with municipally run public libraries in establishing networks for lending library materials across municipal boundaries and for connecting libraries for electronic information sharing and document delivery, as Mr Tan recently showed us. In order that this mutually beneficial relationship continue, we recommend that the provincial government continue its per household grants to library boards as a means of funding library resources which can be shared across municipal boundaries, as well as a mechanism whereby compliance with province-wide sharing protocols can be enforced.

Since it is of the utmost importance that all citizens of Ontario fully participate in the information economy, we recommend that the provincial government continue to play an active role in the province-wide library network and to develop equitable standards of access to information resources which all public libraries can work together to achieve.

Since we believe that the provincial government has a major interest in continuing to play this important role in the library community, we have recommended the inclusion of a fourth purpose to the act: to define the role of the provincial government in ensuring that all Ontarians will have access to information resources through public libraries which are interconnected and networked.

Thank you for this opportunity to present the Ontario Library Trustees' Association recommendations to Bill 109. I would be pleased to give this committee and the ministry any further assistance in strengthening this new act.

Mr Shea: Thank you for the presentation. Perhaps I could just ask you a preliminary question concerning the issue of governance. I'd like to go back to your view in terms of the relationship between library boards and municipal councils. In your view, what is the role of the council?

Ms Bates Neary: Vis-à-vis the entire library board?

Mr Shea: Yes.

Ms Bates Neary: In Ontario, councils appoint library boards and are the major source of funding for library boards. We have certainly found in the broad experience across the province that on the whole there is an excellent relationship between councils and library boards. Library boards, because of their volunteer nature and their relationship with the public, can often bring a vision of library service to their communities which is very broad and very representative.

Because of our volunteer nature we take a tremendous amount of work off the shoulders of municipal councils, and as municipal councils are being downloaded with new tasks, I think this particular role is even more important today. Other people who have presented today

have described the great breadth of experience that trustees bring to their jobs, and this can be very valuable, as I've said, often in the development of such joint projects with other bodies in the community.

I can certainly describe instances where trustees are often able to deflect criticism about how libraries operate and the policies they devise from the shoulders of politicians. The hand's-length relationship can be very useful.

Mr Shea: Would you recognize that there is also a conundrum in terms of accountability in the relationships where, for example, if a library board establishes a certain policy, the view might be that if you don't like it, you go and appeal to the entire board, and if you don't like what that board says you can go to the council and appeal that, but there's nothing that council can do either? Would you see in that some kind of confusion and contradiction?

Ms Bates Neary: Councils appoint trustees who they feel will represent the broader wishes of the community. Library boards themselves usually have to develop mechanisms for listening to the community, and when it comes to very controversial changes that may be put in place in library policy, libraries certainly have a responsibility to consult with their communities, and usually do so.

That doesn't mean you can always please everybody in a community. Politicians are extremely aware of that. That is part of the political conundrum, pleasing everybody. Boards, which have a hands-off relationship with council but often a much more direct relationship with their public, have to contend with that too.

Mr Shea: If the role is to represent the broader view of the community and if it is also to listen, in some ways that is also something a locally elected representative might want to do or might be capable of doing.

Ms Bates Neary: Yes, and I have certainly had great experience, at the trustee level, of working with councillors who understand that very important component of the political process. But it's not unusual for politicians to delegate this kind of representation to other bodies, and we see it in other publicly elected bodies within the province. It is part of the governance process.

Mr Gravelle: I'd like to pursue that a little further myself. The minister herself said this morning that indeed it was a compromise, on the one hand eliminating boards, on the other hand maintaining boards but recognizing municipal accountability. The concern that's being expressed consistently is that unless there is some guarantee of citizen involvement on the boards, they might not in any way serve the purpose of what a library board is today and what their value is. I take it that really is your concern too. Everybody seems to agree that citizen involvement is important. Why not just put something in the legislation that would make it a requirement, particularly as it seems that many local politicians might actually appreciate it?

Ms Bates Neary: That certainly is our argument. We feel that library boards, over time, have given tremendously to the development of public library services in this province. The model has really stood the test of time.

It has enabled a great deal of flexibility at the local level; it has brought new ideas into local administration; it has enabled libraries to connect with other publicly funded institutions in the community. We feel trustees bring a tremendous depth of experience and are still accountable, by the appointment process and by the funding process, to their local municipal councils.

Mr Gravelle: At the very end you made exactly the point that I would want to make too, which is that there is little doubt that if the citizenship requirement was put in there — it's not as if the citizen board members are going to be irresponsible about the demands they make in their municipalities. They're going to be part of the community; they're going to recognize what the funding crunches are all about, but they'll be able to be there. You can argue that it's just a good idea from everybody's point of view to lock this in the legislation and protect everyone.

Ms Bates Neary: Councils currently have line-by-line control over our budgets. That is ultimate control.

Mr Gravelle: If you trust the municipalities to support the board, you can certainly trust the citizens of the community to sit on the board and do the job as well, is my feeling.

Ms Bates Neary: In our experience, citizens pay a tremendous amount of attention to what the library board does.

Mr Martin: Sorry I missed the end of your presentation — it's really busy around here these days, trying to keep track of everything — but I think I got the gist of where you were going. I think you are consistent with what other people have been telling us, the concern about the board and having adequate citizen representation on the board, some would say a majority. As a matter of fact, the majority of people who have come have said it makes sense that the majority of the board be citizen appointments.

The question of access to information in the different formats, the question of a provincial role: We had, before you, the chair of the Aurora board, who said it was important but it wasn't a big deal. In your discussions with the other members of your association, is it a big deal for them, or is it just, "It would be nice, but...."?

Ms Bates Neary: I think it is a big deal. You are always going to meet boards that bring a particularly new experience to the trustee world and you are going to meet councillors who will fall on either side of this particular question, but I think the majority of trustees in this province value the contribution they have been able to bring to their community and particularly value the library services delivered at the local level. They are very much aware of how that is not only dependent upon the municipal interests but also upon the larger provincial interests, that we are an interconnected institution and it's important that we maintain strong relationships with our community and with the levels of government that affect our citizens. That's one reason we make such a strong plea for the continued development of the provincial presence in public libraries.

The Chair: Thank you very much for coming forward and making your presentation to the committee today. We appreciate it.

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ASSOCIATION OF MUNICIPALITIES
OF ONTARIO

The Chair: Would Terry Mundell please come forward. Good afternoon, Mr Mundell. Welcome to the committee.

Mr Terry Mundell: Mr Chair and members of the committee, I'd like to thank you very much for the opportunity to be here today to put forward to you the views of the Association of Municipalities of Ontario.

Municipalities generally support the intent behind Bill 109. Clearly, the goal of the legislation is to improve accountability for library services by providing a legislative framework that facilitates a library system that is integrated within larger local service systems. Bill 109 falls somewhat short of this goal by providing a framework that retains the current special-purpose body model of service management.

Generally speaking, libraries are already a municipal responsibility. In 1997, property taxpayers will contribute \$300 million in funding for library services in communities across Ontario. Bill 109 is intended to serve as a conduit to improve accountability and efficiency so that the municipal sector can continue to maintain a high-quality library system as provincial financial support for libraries of approximately \$24 million is withdrawn.

It is by now a familiar scenario. As the province withdraws financial support for important public services, it endeavours to take apart the structural barriers that stand in the way of efficient and cost-effective service delivery. It is a strategy that is designed to assist municipalities to cope with the offloading of provincial responsibilities for financial support.

By necessity, municipalities support this strategy. Municipalities have long advocated for government initiatives that allow important public services to be delivered more efficiently and effectively, regardless of which level of government is paying the bills. AMO has pressed successive provincial governments to cast off outdated models of governance that waste taxpayers' resources.

We were greatly encouraged when this government acknowledged in Bill 26, in 1995, that special-purpose bodies were fundamentally at odds with good government. Generally, municipal government experience with the special-purpose body approach is that they entangle responsibilities, limit service integration, and keep accountability at arm's length.

While municipalities acknowledge that the province is responsible for comprehensive provincial policy and the broader systems that link us all together, local management, local decisions and the identification of priorities are the business of municipalities. Excessive control and regulation will prevent municipal governments from finding efficiencies to maintain services for municipal taxpayers. Taxpayers want better management of their tax dollars.

Bill 109 clings to the outdated concept of a mandatory special-purpose body for the management of library services. While municipal councils exercise control over library budgets, the province's decision to mandate a role

for library boards will ensure that the management of library services remains entangled. The bill does not help municipal governments to better integrate aspects of library system management into existing municipal management structures and therefore does not maximize the potential for cost-efficiency and savings.

The province should not, and need not, mandate that library services will be delivered through a library board. How services are delivered and managed is the responsibility of municipal governments. Municipal governments recognize the importance of library services and the value of investment in quality services in our communities. The level of arbitrary control set out in Bill 109 is simply unnecessary and therefore offensive to accountable elected local governments.

Bill 109 sets out an elaborate framework for the creation of new library boards and for the amalgamation and sharing of library services among communities. This framework should fall within the new Municipal Act. For example, the authority for joint service arrangements would be possible under the "natural person" powers and the governmental powers in the new Municipal Act. The libraries act should simply direct that any joint service agreement address the disposition of assets and liabilities. The migration of library services should also be guided by the new Municipal Act.

It's preferable to have library services and other municipal services fall under the general authority of the new Municipal Act. However, barring a decision to rely on general new Municipal Act authority, Bill 109 must explicitly provide for the downward migration of services, as well as the upward migration of library services. The public will be better served, however, if the administration and management of all municipal services are treated similarly and fall under the umbrella of the new Municipal Act. If any restriction is needed, it could be placed in the Municipal Act or fall to separate legislation, such as the Public Libraries Act.

Bill 109 sets out a framework for establishing, maintaining and appointing library boards. In effect, it sets up and maintains a mandatory duplicate management system for a basic municipal service: libraries. A municipal council, not the province, should determine the need for a library board as part of its authority to organize itself as envisaged by the government's consultation paper on a new Municipal Act.

Where a municipal council feels a board is needed to deliver the service, the council should make the appropriate rules governing the board's composition, as well as its roles and responsibilities. Elected councils should have the flexibility to determine and review the structure of the appointees and the board's administrative and management structure, including the use of municipal resources and systems.

If the library board structure is to be imposed on municipal governments through this legislation, councils must have the flexibility to make appointments and/or reconfirm appointments annually. The elected municipal council should also have the authority to reappoint members to a board or remove members from a board where the board fails to follow the council-approved budget. The bill is currently silent on this issue.

Bill 109 authorizes a board, "to the extent it considers it expedient," to use any outside services or personnel, and use or link into any financial, accounting or administrative systems. The bill also gives a board the discretion to adopt the policies and procedures of the appointing council and to set out the board's authority as employer.

Bill 109 must be amended to give councils clear authority to set such rules. The authority set out in subsection 10(3) should be moved to section 6 and appropriately amended to give an elected council the ability to require a library board to use the financial, administrative and management systems as the council deems appropriate. In most instances, those systems will likely be those of the municipality. In this way, there is greater assurance that efficiencies will be found in the administrative and management areas rather than the library function itself. Section 10 should simply require a library board to follow the rules set by council under section 6.

Bill 109's provisions setting out regulatory authority for the province to control user fees is unnecessary and inappropriate. As expected, municipal governments have consistently, and without exception, demonstrated sound judgement in how they have used their authority to set fees under Bill 26. Part of the reason is that municipalities make decisions, including decisions about user fees, in consultation with the public.

Regulating free access to libraries and free borrowing of printed material is unnecessary and inconsistent with this government's commitment to permissive legislation for municipalities. If this regulatory approach is not altered, AMO and municipalities must be consulted on the content of such regulations or future amendments to them, and the act must explicitly provide for this consultation.

Bill 109 also provides library boards with the authority to buy and sell land and to commit to capital investment or lease arrangements. According these powers to special-purpose bodies does nothing to improve public accountability for public resources. Real accountability requires more than just budget approval by elected governments. It includes, among other things, the management of assets and liabilities, human resources, technology systems and decisions made in-year that meet the overall objectives of a well-managed service system. Such accountability must rest with elected officials.

The bill also sets out special provisions for audits. Municipal councils should determine, as part of their rules, whether an audited statement of a library board should be consolidated with those of the municipality. Municipal governments should have the ability to choose whether to have a single, consolidated audit opinion or to have a separate audit opinion for the board.

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Bill 109 should not legislate municipal administrative, accounting and management matters. Rather, it should refer to the 1997 Municipal Act setting out provincial authority for municipal infrastructure, and services outside the new act will not enhance accountability or public understanding.

Bill 109 also provides for regulations dealing with the establishment, organization and management of a province-wide public library network. AMO supports the

concept of information networks. AMO's MUNICOM network information system, which links municipal governments, is a good example. Efficiencies for a province-wide public library network may even be achieved or enhanced through the use of MUNICOM's infrastructure.

Experience in some parts of the province indicates that the cost of interlibrary loan of material can sometimes be greater than the cost of purchasing the material. AMO encourages the ministry to review the costs of the interlibrary loan system. This is an area where additional efficiencies may be found. AMO and municipalities must be consulted on any regulations affecting municipal revenues and expenditures, including technology systems, as part of the library budget.

In addition to Bill 109, there are other related government initiatives that have an impact on libraries. Bill 98, Development Charges Act, 1996, as introduced, will reduce capital funding for libraries by 30%. Bill 98 proposes to restrict the authority of municipal governments to levy development charges for growth-related capital investment. In effect, new libraries will not be built unless existing property taxpayers contribute 30% of the capital cost. Bill 98 has the potential to seriously undermine growth in Ontario's excellent library system. AMO urges the government to reconsider its plan to mandate a reduction in capital investment in libraries.

As was noted earlier, the province's decision to withdraw \$24 million in operating funds from libraries will also create substantial challenges for the library system. In particular, it will make the delivery of services in large geographical areas, such as northern Ontario, very difficult. Ontario's library system is a valued and critical part of our communities. Municipal governments are committed to fostering excellence in Ontario's library system. They have demonstrated that commitment for decades by ensuring that libraries had the adequate resources they needed to meet the growing expectations of Ontario's communities. As the province withdraws financial support from the library system, local governments will be there to ensure that quality library services continue to be accessible to people all over Ontario.

Preserving quality services will, in some cases, require difficult decisions and tradeoffs. As the trustees of local resources, elected municipal governments are prepared to make those decisions and to be accountable for them. Now, more than ever, our libraries need to be an integral part of communities and the systems through which a range of important local services are delivered. Fragmenting that system by using special-purpose bodies to manage selected services does not help.

Bill 109 does make improvements to the existing structure and delivery of community library services. However, it falls short of municipal government's expectations and needs. It also falls short on the government's commitment to deregulation and greater empowerment of elected municipal governments.

Mr Gravelle: Good afternoon, Mr Mundell. In essence you're saying there should be no library boards at all, that the municipalities should simply have control of them. It seems to me that — are you familiar with it? — in the province of Alberta the same downloading or

situation took place, yet they've maintained library boards because they felt that library boards obviously provided a very useful purpose and a help. Are you familiar with that? You're not.

Do you not feel that library boards provide a useful function as they are now constituted?

Mr Mundell: The situation is one in terms of governance and accountability, and it seems to be one which needs to be consistent across the services which we are elected and accountable for as municipal governments. The types of governance structures which may be set up within our community structures are ones which should be determined locally and could include different models, whether it is a committee of council, whether there are different models that may be considered.

There seem to be a consistency in approach and an ease of understanding and an accountability for the dollars which are collected from the taxpayer that need to be very much paid attention to.

Mr Martin: I think your presentation was helpful in that you were very clear on the position of AMO re libraries coming in under the umbrella of the critical mass of services that municipalities offer, and that any kind of a special board having governance over that doesn't fit. But it's the context that I wanted to ask you a question from. You said here, "It is a strategy that is designed to assist municipalities to cope with the offloading of provincial responsibilities or financial support." Then you said that by necessity, municipalities must support this strategy. What did you mean by that?

Mr Mundell: The issue of the day, of course, is one where we are facing, in our structure, some serious changes to the way that we in municipal government operate and do our business. Of course everybody is very well aware of the disentanglement-type exercise which is going on right now, with the province looking at changing some services that the municipal sector will be responsible for.

We very much need to make sure that all the items we are responsible for, accountable for, within our framework, that we raise funds for, we need to be able to have control over and make decisions based on the whole package of goods. It's the day of the dwindling dollar, that's clear. Decisions are far more difficult because dollars are fewer for us. We need to be able to control all the dollars within our purview and to make sure that we make decisions that best reflect what we have, what our ratepayers want and what our ratepayers can afford.

Mr Flaherty: Thank you, sir, for the presentation here today. If we look at the history of the development of public libraries in Ontario, and you can go back to Upper Canada, I'm struck by the governance model that developed over the years which was, as I understand it, and I rely to some extent on Mr Bruce's excellent book *Free Books for All*, wherein he notes the first library was in Niagara-on-the-Lake in 1800 — the first library for public use in Upper Canada in 1800. It's quite remarkable when you think about it since that was obviously at least two generations before Confederation.

Has the model not worked well, that is, the model of the library board working in conjunction, in cooperation with the local authorities, with the municipal councils? Certainly that's the sense I get from the people from the

county of Huron who are here this morning and the other presentations we've had from municipalities, that the working relationship over more than a century has been a good one.

Mr Mundell: In some areas of the province I don't doubt that the working relationship has been a good one. I think what we are dealing with today, though, is a situation which completely controls or changes the way municipal governments will be doing business and the types of services that we'd be responsible for. In looking to gain efficiencies to provide better government at lower cost, if you can, to make the almighty dollar stretch further, we need to be able to achieve efficiencies and savings in all parts of our operations, including the library sector. It's best if we can achieve those savings through the administrative natures versus the book natures if you can.

The Chair: Thank you, Mr Mundell, for coming forward and making your presentation to the committee today.

TORONTO PUBLIC LIBRARY

The Chair: Would Rick Goldsmith from the Toronto Public Library please come forward. Welcome to the committee. I'd appreciate it if you could introduce yourselves at the beginning for the benefit of Hansard.

Mr Rick Goldsmith: My name is Rick Goldsmith. I'm here to speak for the Toronto Public Library board. I'll just introduce the people in the room who are also from the library board. On my right is Edmundo Vasquez, who is past chair of a library and current chair and current member of the library board; and Babs Church is also a member of our library board. There are other board members in attendance, but space doesn't permit them to join us at the table, so I'll just ask them to raise their hands: Roger Smithies, Donna Denison, Ian Cole, Angela Rebeiro. As well, we have the CEO from the library and staff, including our union reps, in the audience. We're well represented today.

One of the comments that was made earlier this morning was that there was a pattern being recognized in the comments that are being made. I think our presentation in many ways will follow that pattern. I provide you with written comments and I will follow those, but I also will attempt to insert some elaboration where I think I must, responding to a question that was raised this morning. On the issue of patterns, I would say what that says, really, is that there is an amazing combined constituency, a massive combined constituency on certain issues.

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Our theme for our presentation is *Keep the Connection: Keep the connection to information and keep the connection to volunteerism*. Marilyn Mushinski understands that volunteer library boards are vital, and we quote her in our brief. She said, "Libraries in communities throughout the province have touched the lives of every Ontario resident and have made a very significant contribution to the quality of life that we enjoy."

Ms Mushinski has also said, "The province recognizes the great value of libraries to the economic health of the province through their role in creating a well-educated and literate workforce."

The people of Toronto also know it. They use daily and value the 33 branches and dozens of services we provide. Our library has seen a 51% increase in circulation since 1991, to some eight million items, and staff answer over one million questions annually. It's been estimated that 10 times as many people use libraries as attend sporting events, movies and cultural events combined. This is by way of giving you an example of the kind of constituency which we represent today.

Because libraries are so important, the library board urges you to amend two critical areas in Bill 109. We'd like to work with you to improve the act. The first area is that the act must guarantee that citizen volunteers are the majority members on library boards. The second area is that the act must guarantee free access to all library materials, be they print, audio-visual or electronic.

Bill 109 breaks the connection. Bill 109 removes the key ingredients of libraries and library boards: citizen participation and free access to information. It breaks the connection to the volunteerism that the minister spoke of this morning. Bill 109 effectively destroys the very qualities which have made our library system among the best in the world.

Bill 109 creates a patchwork of boards with differing responsibilities province-wide. It fails to live up to the minister's expectation of interconnectedness and partnership among various libraries. On the other hand, voluntary library boards keep a connection. Since the Free Public Libraries Act of 1882, provincial legislation has guaranteed a tradition of citizen involvement in libraries, with citizen volunteers being the majority members on all library boards. These library boards have felt passionate about principles of freedom of speech and freedom of access to all members of the public.

What, then, are some of the advantages of citizen involvement on library boards? On the issue of intellectual freedom and the advantages of library boards, our democracy is grounded in the principle of intellectual freedom. Citizen-based library boards have a strong tradition of upholding this freedom for the benefit of society as a whole, regardless of what pressures may be exerted on them.

We heard this morning a very good example of where a particular pressure may be brought to bear. Pressure to add to or remove items from library collections is an ongoing concern that library boards with their unique experience, time and community knowledge are best able to deal with and they provide a valuable function in this regard to the municipality.

On citizen participation in decision-making and the advantages of library boards, it is important to our society that volunteer citizens have a way to contribute meaningfully to our democratic institutions at the grass-roots level. People want a say in local services, and library boards allow them to participate in making decisions that directly affect them in their daily living in their neighbourhoods. This kind of citizen empowerment costs nothing but contributes enormously to the wellbeing of the community.

There is no loss of economy or accountability with volunteer citizen boards. Boards are fully accountable to the local municipality. The municipality can appoint the

members of the board, has line-by-line financial control of its budget and can integrate administrative functions as it wishes. I'm almost amused by the suggestion that boards are unaccountable. I've been on boards for over a decade now, and I can tell you I feel quite accountable when I go before the council every year for my budget. I feel accountable every three years, and humble when I go to ask for reappointment, and I certainly feel accountable when I have over 100 members of the public in my board meeting protesting a direction of the board.

Mr Young: Have any of them ever been fired?

The Chair: Order.

Mr Goldsmith: Thank you, Mr Chairman.

I'm also somewhat amused by the issue — not amused; that's the wrong word. I'm confused a little bit by this emphasis that perhaps some of the criticism is directed at a lack of trust of politicians. To the contrary. I have also lived through the situation where we've seen libraries evolve from only citizen boards through to one less than a majority comprised of citizen members, which means I've seen council members come on board. I can tell you I've met many good council members who have added a lot to our board meetings, but I've also met the other kind of politician who is a one-issue politician, defends only one point of view, and the other politician who's simply under water. He just cannot cope with the volume of information. The library is not high in his priorities.

On the other hand, I've never met a volunteer member of a library who volunteered not to attend, who volunteered because he didn't have an interest, who passed the screen provided by the municipality and arrived on the board with a special interest. To the contrary; I've met well-meaning and very professional people who have devoted their time unstintingly.

Returning to the text on page 4, volunteer time and expertise and the advantages of having citizen library boards:

"Voluntary action is a hallmark of a civic society, rooted in citizenship and social responsibility, and shaped by our concern for and obligation to one another." This contribution should be "celebrated as an integral part of a society in which we all want to live." This quote is from the Report of the Advisory Board on the Voluntary Sector.

Board members give freely of their time and expertise. On our board, 11 board members contribute over 150 hours of volunteer time a month, 1,500 hours annually, to the Toronto Public Library. This is the equivalent of one person devoting himself or herself full-time to the library. Can we afford to have a councillor or bureaucrat devote this number of hours to the libraries? Perhaps they would do it in their free time.

Many of our volunteers have special knowledge or skills in the areas of libraries, finance, law, education and information technology. It is not cost-effective to lose this enormous volunteer contribution and the goodwill that goes along with it.

Board members also share a deep personal commitment to libraries. All are library users, and many serve as a way of giving back to the community the benefits they themselves have derived from the library. On a personal

note, in addition to working with libraries for over a decade on the library boards, I worked in a part-time job for libraries, and I'm quite happy and willing to give back the service that I have on a no-charge basis.

Local responsiveness and the advantage of citizen public library boards: Board members from diverse backgrounds are intimately connected to their neighbourhoods. Because they are so close to their communities, library boards have been able to respond effectively to citizen needs. The Toronto Public Library board has a community relations committee which meets with members of the community to discuss library issues, engage in public consultation and establish community advisory groups and liaison committees.

In response to community needs, the Toronto Public Library Board has developed a unique model of library service, with neighbourhood branches within walking distance of every resident. It has pioneered multicultural and literacy services, and continues its ground-breaking work by providing access to computers and information networks for those who cannot afford to purchase them.

Fund-raising and the advantage of citizen-populated boards: Because of their diverse experience and connections to the community, volunteer-based boards are in an excellent position to fund-raise for library services. In 1996, the Toronto Public Library raised over \$500,000 for new computer centres in inner-city neighbourhoods and for more materials, including job search and literacy items, for its collection.

I attended recently at the opening of a Riverdale branch-Microsoft joint project with the libraries, and I can tell you that there was great celebration there of the notion of a library without walls, of the notion of a library that could reach the endless bookshelves of other collections around the world. I sensed that the fact that Microsoft was able to deal with an autonomous board in addition to the city representatives who were on hand was a strong feature of their willingness to donate such a sum of money and materials.

A province-wide public library network and the advantage of citizen boards: Library boards have a long history of working together to share resources across municipal boundaries. Consistent library governance across the province and a common set of values and goals shared by library boards and their members have supported this cooperation. Minister Mushinski is quoted again as saying:

"Our public libraries...have evolved from a disparate group of individual collections of books to an interconnected information network.

"The networks which connect libraries with other libraries and with information resources throughout the province, the country and the world are very important now and are going to become more and more important in the future."

Boards with citizen volunteers are able and willing to look beyond municipal boundaries. Reciprocal borrowing agreements in Metro are an outstanding example of libraries cooperating to provide seamless service to citizens. Boards also participate in the provincial electronic network to ensure equity of access throughout Ontario. Many libraries across Ontario look to large

public libraries such as Toronto to lend them books which they are not able to provide to their users. This type of cooperation is built upon a network of boards that have the same composition, the same goals and the same underlying philosophy.

Bill 109 undermines the commonality among libraries across the province. Municipalities with only councillors or bureaucrats on their boards may be less inclined to look beyond municipal boundaries. They may feel less committed to equity of access to information across the province. The network we have spent years developing may be destroyed and would be hard to rebuild. We agree with the CUPE vision of libraries that can't talk to each other and that don't share information at all among different systems that was mentioned this morning.

On the second theme, we advocate free public library service. It keeps the connection. Bill 109 threatens free public library service. By moving legislation that protects the rights of the public to enter libraries and to continue to borrow print materials without charge from the act into a regulation, the government allows this service to be changed at any time without resort to Parliament. Permitting charges for electronic and audio-visual materials undermines the stated purposes of the act, which are to ensure public libraries continue to successfully provide for Ontario's information needs, to support Ontario's requirements for access to educational, research and recreational materials in a knowledge-based society, and to allow Ontarians to benefit from access to local, provincial and global information through a province-wide public library network.

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By limiting free access only to print materials, the regulations ignore the reality of our age of information technology. Information produced electronically should not be treated differently from that printed on paper. People should not have to pay to access information because it is in a non-print format.

Electronic information is not just an alternative format. We agree with the presentation this morning that described this as illogical, inconsistent and wrongheaded in principle. It is the only source of a vast amount of information. Some examples were asked for this morning. I would reference the Canadian Encyclopaedia, which is available only by electronic print format. I would also reference many magazine databases which we have now stopped buying hard copy of; we simply access the magazine database. Over 50% of reference information is now published only in electronic formats. The provincial government itself produces a large amount of information it intends only to offer through Web sites. I think you can appreciate as well, with reduced budgets for hard copy, that there is an increasing emphasis on the availability of certain types of materials only through electronic media.

People learn in many different ways, using different formats. Some library users have limited literacy skills or are not fluent in English. In Toronto, we estimate that as many as 28% of our constituents are of low literacy. They learn better using audio-visual formats. The Toronto Public Library's collection of self-help, education, training, children's and drama videos is a valuable source of information for many users. By the way, our librarians

are busy organizing the Net right now, providing traditional library services in the context of electronic information.

Charges for audio-visual and electronic information create barriers to education and employment opportunities for those who have the least resources. Access must be free. Public libraries' traditional role has been to provide information for those who cannot buy it. Today, libraries often provide the only access to electronic information for those who cannot afford computers, access to networks or audio-visual materials.

In that Microsoft presentation I mentioned, which is one of three and which allows us to launch over 50 computers at three centres in Toronto, it was a point of our plan and a point of Microsoft's plan that those centres be launched in the disadvantaged communities for the very purpose of free access to our disadvantaged. It would seem silly to turn around and start charging those people for access. If libraries charge for electronic information, the disadvantaged will lose access to the global network and will be further disfranchised and disadvantaged in the job market, creating even greater disparity between those who have and those who have not.

We urge you to keep the connection. The public library system, with citizen participation, free access to libraries and solid accountability to municipal councils and taxpayers, has worked well for Toronto citizens for 114 years. As library board members, we urge you to keep the connection and assure citizens that public libraries, like formal education systems, have standard provincial requirements. For us, those critical requirements are a mandated majority of citizens on library boards and free access to information in whatever form it may take, whether print, audio-visual or electronic.

Passing Bill 109 without amendments means the destruction of the quality library system we have today and the loss of access to information and opportunities by those citizens who are most in need.

The Chair: Thank you, Mr Goldsmith. Unfortunately, you've effectively exhausted all the allotted time, but I want to thank all of you for coming forward today and making your presentation to the committee.

OAKVILLE PUBLIC LIBRARY

The Chair: Would Oakville Public Library please come forward. Good afternoon and welcome to the committee. You have 15 minutes today to make your presentation.

Mr Jack Shirley: We're here today representing the Oakville Public Library board. I'm Jack Shirley, board chairman. Accompanying me are John Barton, our vice-chair, and Eleanor James, who is library director and secretary of the board. Our board appreciates the opportunity to provide feedback on the draft library legislation, Bill 109.

Our comments and advice are based upon our experiences in Oakville, where a mutually supportive working relationship exists between the town and the Oakville Public Library. Last September, Oakville town council prepared and forwarded a report to the Who Does What

panel describing this local situation, which we know is not unique to our town. To quote from this report, enclosed as appendix A in today's presentation:

"The ratepayers of Oakville perceive the library as an integral part of the town of Oakville, and the two entities are intricately enmeshed.... The working relationship between the town of Oakville and the Oakville library board is exemplary.... This is a result of the individuals involved and the partnership that has been created over the years."

A key factor is frequent and open communication. The Public Libraries Act of 1984 has in no way acted as an impediment to local board accountability or the board's ability to establish a number of cost-sharing and value-added partnerships.

I am now going to call on John Barton to make today's presentation.

Mr John Barton: It's our belief that both Bill 109 and regulation 26/96 need revision before this draft legislation is approved and implemented. We have two concerns which I am going to highlight in our presentation. The first is on three items where we believe there is a particular need for greater clarity in the wording and interpretation of elements of the act. In the second part, we are going to urge that there needs to be greater consistency in the legislation with regard to the admirably stated purpose of public libraries in the draft legislation.

Let me turn first to the matter of clarity of wording and interpretation. There are three points we want to make about this. The first one concerns the description of the word "board" in the act, the second relates to the title of the chief executive officer of the library, and the third relates to the composition of the board.

We submit that in relation to the word "board," the legislation should clearly state that a public library shall be under the management and control of a board which is a corporation and therefore subject to the Corporations Act. In Bill 109 it says that "the library board is a corporation," section 5.1, but the fact that legal opinions currently vary in interpretation as to what that means demonstrates the need to clarify that wording before the bill becomes law.

Under the Corporations Act, a library board would be required to be composed of a minimum of three members; board members would hold accountability under the terms and conditions set out in the Corporations Act. This would add to the accountability given to board members via municipal bylaws. It would attract quality candidates to board vacancies due to the stature of the post held, the responsibilities and required expertise.

A board in name only, which is what the draft legislation now has, is insufficient clarity for the legislation. We believe that if no change is made in this, the legislation will impede the library board's ability to serve its community effectively and to achieve the desired quality of relationship between the library board and municipal council. Indeed, it may act as a barrier to attaining some of the objectives set out in the legislation.

It's to be noted that under the past Public Libraries Act, 1984, which of course is still in force, public libraries have acted in accordance with the Corporations Act. That's the first point.

The second relates to the description of the staff person who heads up the library. In the current act, that person is described as the chief executive officer. We believe that term should be retained and stated in the new act, clarifying, as we believe it does, the relationship between the chief officer, the library board and the municipal structure.

Third, you will not be surprised to hear after the other presentations today that in regard to the composition of the library board, we believe the legislation should require specifically, in words, a majority of private citizens on the public library board. We believe building that requirement into the legislation would prevent the possibility of developing a library board composed of municipal staff and managed simply as part of the municipal bureaucracy, to the exclusion of independent citizen input and ownership.

We submit that majority citizen representation would enhance the possibility of accomplishing the powers and duties of the board as stated in the draft legislation under Bill 109, section 10, particularly clauses (a), (b), (d) and (k), which we believe a majority citizen representation makes possible.

I want to just step aside from what's in print to make three comments on this. It seems from my experience, and I think our experience in the Oakville board, that private citizen members of the board, appointed by municipal councils, are able to give an extent of time and energy to the work of the library board that no town councillors are able to provide because of the enormous number of other responsibilities that they carry.

We, for example, have just completed a six-month public consultation process in Oakville entirely run by the members of the library board. We had six consultations: one with Friends of the Library, two public, one with youth, one with seniors and one with the Halton Anti-Poverty Coalition. This has taken a great deal of time and energy and it's given us some very important feedback on what people want in the future of library service for the community of Oakville. Town councillors simply haven't got time or energy to give to that kind of process.

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May I then move to our second major concern, which is the question of the consistency of purpose in all parts of the act. The stated purpose of the act is to support Ontarians' requirements for "access to educational, research and recreational materials in a knowledge-based society," allowing them to benefit from "access to local, provincial and global information through a province-wide public library network."

We submit that:

(1) The draft legislation abandons this purpose in section 14 when it places the authority for fees under the control of the Municipal Act.

(2) We believe the best way to ensure access is to retain the concept of fees within the act itself and not simply in the regulations, which can be easily changed.

(3) We are concerned, as are most boards that presented today, about the narrow emphasis on print to the exclusion of the other mediums such as electronically stored information, which we feel is entirely inconsistent with the spirit of the act, which is to promote access.

(4) The act, and not the regulations, should safeguard free access to all library information resources.

(5) The definition of core services needs to go beyond books to all information, regardless of their format.

Education and lifelong learning can no longer be sustained by reliance on print collections alone. More and more libraries purchase access to information resources which are resident elsewhere in the global environment. Safeguarding print as free does little for universal access, especially for people with lower incomes, who are hardest pressed to gain access to electronic information and to the computers that enable them to access it, which they need for school, for further education, for job hunting, for career change and for daily support.

In closing, we would stress that a failure to revise the draft legislation now, prior to enactment, would force libraries and municipalities to incur legal costs in order to interpret the meaning of unclear phrases in Bill 109, both now and possibly in the future, which is quite contrary to the government's intention to cut the costs of government for all of the citizens of Ontario.

I want to make one side comment in relation to the passionate brief we heard from the municipalities a few minutes ago. It's simply inconsistent with our experience that the town of Oakville does not have control of the budget of our library, line-by-line control. The town auditor audits all accounts. There's common purchasing of all supplies, services and contracts with the town and the region of Halton. Would the municipalities of Ontario wish to go further and carry the logic of their centralization argument to the extent that all education boards should be abolished and that those should also be taken in hand by the municipal councillors and indeed by the municipal administration?

Thank you for hearing us. We wish you well as you continue to meet with others in the library community and in your subsequent deliberations with your colleagues in the government.

The Chair: Thank you very much. Unfortunately, we only have about a minute and a half per caucus for questions, starting with Mr Martin.

Mr Martin: Thank you very much. It's my sense from listening to some of the conversation that's floating out there, and consistent with some of what this government seems to be about, that we may end up, if we don't do such as what's happening in the Legislature today, with just such a scenario as you have described, except that it will be the provincial government running everything and municipal governments paying for it.

I appreciate you coming before us today and being so frank and focused in your presentation. What you presented is certainly consistent with what others have said to us, with a few obvious exceptions.

You talk about governance in your presentation and then you talk about the need for access. The third piece that others have presented is the question of provincial involvement in the delivery of this. What's your feeling on that?

Mr Shirley: The only involvement the province has at the present time is legislation and the household grant. The household grant, of course, is being phased out, so provincial involvement depends upon the legislation and

this is what we're asking here, to clarify that legislation so the province is saying, "This is what should be done." The province is saying essentially, "We want public access, freedom of access," and we agree with that. We have no qualms in that whatsoever. I think these are the areas that the province would be involved in. They have not been involved in detailed administration of the libraries to date.

Mr Young: By any chance, did the town of Oakville have an opportunity to have input into this presentation before you came here today?

Mr Shirley: Yes. Essentially we appeared before a committee of the town.

Mr Young: Did the committee support it?

Mr Shirley: They have supported it totally.

Mr Young: I'd like to ask you a quick question, as a user, as a member. Actually, there's no membership but I do make extra contributions because I'm one of those people who forgets and brings the books back late. So I'm a major contributor, actually.

Mr Shirley: We'll check on you when we get back.

Mr Young: I think I'm even right now. I know there's a toy lending library section in Glen Abbey and I know you have user fees for photocopying, and certainly some people would view fines as a user fee, but I'm trying to understand where we getting into entertainment. For instance, I've got Ben Hur, Cabaret and To Kill a Mockingbird videotapes that I would otherwise be getting from a local video shop. I'm just wondering, the original mandate of public libraries, which was information and education, has gone into entertainment and is competing with local businesses, and isn't it appropriate to charge use fees for that perhaps?

Mr Shirley: Your question is very appropriate. We have been reviewing that and we're eliminating the entertainment section because we don't feel that we should be competing. Not totally, but for the most part, we're not going to have popular items. The toy library, for example, we have pulled that back and it doesn't exist in the various branches now. It's only in the central library.

Mr Barton: May I say that in the central library it is now a fee recovery service. It will pay its costs.

Mr Gravelle: Good afternoon and thank you very much for your presentation. I think what's interesting, and it is developing really as a theme, is that almost everyone is coming forward and saying there's a need and a value and that citizen-majority boards work very well, as you talk about your relationship. But I think even with the AMO presentation, what we really heard was that they basically felt they were being forced to take that position based on what was happening, rather than a dislike of boards themselves. He certainly wasn't disapproving of boards.

The one thing that I want to ask you about too, because it's interesting, is the old Corporations Act angle. I saw it earlier and I think it's an interesting one. I guess what we'd like to do probably is even check with the staff here. It is there in subsection 5(1), "A public library shall be under the management and control of a board, which is a corporation." So if we could get that clarified by the ministry itself, are they subject to the Corporations

Act? If so, then you've got the minimum of three members on the board. I presume that is something that you feel obviously is a good idea, but I'm grateful that you were able to bring that forward because I think it's interesting.

Ms Kashul: I'll tell you that the Corporations Act does apply.

Mr Gravelle: It does apply?

Ms Kashul: It applies presently and the wording in the bill is the same, so that the Corporations Act will apply but it only applies to the extent where there is no inconsistency. So in the current —

Interjection.

Ms Kashul: And that's the wording of the Corporations Act itself, which applies to all corporations unless it is otherwise expressed in the act. For the purposes of the library board now, the minimum three members doesn't matter because the act itself sets out how many members there shall be on the library board currently. In the proposed bill it is left up to the town council. That would be an inconsistency with the Corporations Act.

Mr Gravelle: So the new one would supersede that?

Ms Kashul: The Corporations Act will not apply for a minimum number of members.

The Chair: Thank you, Ms Kashul. Ladies and gentlemen, we've exceeded the allotted time. Thank you for coming forward to make your presentation today.

1500

EAST GWILLIMBURY PUBLIC LIBRARY

The Chair: Would Karen McLean please come forward. Good afternoon, Ms McLean. Welcome to the committee.

Ms Karen McLean: Good afternoon, ladies and gentlemen. I am chief librarian for the town of East Gwillimbury. First of all, I'd like to tell you that I did not bring a handout, so please don't think you have to find it.

East Gwillimbury is a rural community north of Aurora-Newmarket and south of Lake Simcoe. It's to the east of the Holland Marsh. It has a population of about 19,500, includes the villages of Sharon, Holland Landing, Mount Albert, Queensville and several small hamlets. I'm speaking here today on behalf of the board of the East Gwillimbury Public Library.

To begin with, I want to thank you for including a statement of purpose in the new act. It is a strong, positive statement that will help library boards, municipal councils and staff members maintain direction in the face of the changes that are to come.

The East Gwillimbury library board has four areas of concern with the proposed changes; two are with Bill 109. The first concern is the composition of library boards and the second is the need for a continued provincial presence in the libraries of Ontario. The third concern is with the amendments to regulation 26/96, which lists the services that libraries will provide free of charge. Our last concern is about future library funding. I'd like to look at these four in just a little more detail.

First of all, the composition of library boards: As it stands now, Bill 109 requires each municipality to pass a bylaw stating the size and composition of its library board. We urge you to establish within Bill 109 a

requirement for citizen majorities on these boards and an arm's-length relationship with municipal council. You have heard this before, I think. This would ensure community involvement, without loss of budgetary control by municipal council.

Citizen boards have two major advantages: They act as a buffer between elected officials and special-interest groups, whether those special-interest groups are religious, political or otherwise, on such important issues as intellectual freedom. Please believe me, the issue of intellectual freedom is very important to public libraries and to public library boards. Citizen boards also raise money on behalf of the library. Councils do not raise funds; they collect taxes. It is the volunteers and the volunteer boards within our community that fund-raise.

We hope the provincial government will continue to play a strong role in the public libraries of Ontario when libraries become a municipal responsibility. Your commitment to a province-wide electronic network is one of these important roles, but for small and rural library systems, there are others. We look to the province for some financial support so that our libraries can hook up to that electronic network. We also look to the province to set guidelines and minimum standards of service for public libraries, and we look to the province to provide group training and consulting for our electronic future.

Small libraries cannot afford to hire systems people to look after the computers in their libraries; in fact it's no longer even practical to do that. Everyone who works in libraries today must constantly improve their computer skills with both hardware and software. We no longer use computers occasionally or for some things; they are now part of the job and we must use them to do our job.

Currently the province, through the Ontario library system, provides that training. It is not provided library by library but rather on a group basis. They set up training events and days and places, and staff from different libraries come together for that training. This training must continue even if the libraries need to pay more than they do now for each of the workshops.

These factors, then, are important, and just to repeat them, we look to the province for financial support so that we can link into the electronic network, we look to the province for guidelines and minimum standards of service and we look to the province for this group training and consulting that we need. All of these are important factors, and they are in danger of being lost in small and rural libraries in the transition from provincial to municipal control.

Now the list of free services. The present amendment to Ontario regulation 26/96 lists those library services for which the municipality cannot charge under the new act. We urge you to add to this list. As it stands now, the amendment refers to print materials only. Please add free access to electronic information and free basic assistance for those who want to use that electronic information.

In its statement of purpose in Bill 109, the government recognizes the importance of information in people's lives today and the importance of a provincial information network. Providing free access to the information of the future, electronic information, and providing free help for those who want to use it are consistent with that purpose.

In this age of computers and electronic information, we cannot say that only print materials are free.

The last concern of the East Gwillimbury library board is about funding. The provincial government has announced plans to phase out direct grants to public libraries, with the stated assumption that municipalities will fund the difference because they are no longer responsible for funding education. There is no guarantee that municipalities will do so. Indeed, in my own municipality, the present council has made it clear that it will not replace lost conditional grants.

We urge the provincial government to make clear, unambiguous statements of its intent in this matter. Town councils and library boards need clear information on the new balance, the new financial give and take between the province and the municipality so that we can begin to work on our budgets for 1998 and beyond.

Ladies and gentlemen, thank you for listening to the library community in the past. Thank you for your strong statement of purpose for public libraries in Bill 109. Thank you too for your vision of an electronic network in the future of Ontario. Lastly, thank you for your attention to our concerns this afternoon.

1510

Mrs Munro: May I first of all congratulate you on the presentation you've given here today. Certainly as someone I represent I am very proud to add my congratulations to the presentation you've made. I think you've done a really good job of identifying some of those critical issues. I'd just like to come back to one in particular, given the length of time we have available.

When you talk about the need to expand that definition of materials that are available, and as we had someone earlier describe, those aren't free, obviously, they're the taxpayers'. But when we look at that presentation we had earlier today about the virtual library and so forth, is there a point at which you would argue that there is a legitimacy here for recognition of the service and therefore the need for a fee?

I'm asking this from the standpoint that, to me, there's a difference between the child who comes in from grade 3 who has got a project and, yes, wants to have a question answered, but then when you look at the presentation that talked about the home office kind of thing, that gives us a sense of this incredible range. I'm just wondering if you have a view as to where the taxpayers' responsibility lies in this huge range.

Ms McLean: I have a personal view. I can't say that it's one that is shared by my library board because they have not discussed it in depth. But I think part of the problem lies in the fact that we are defining services by types of material, where I would prefer to say, what is the purpose of our library? Who are the clients we want to reach, most important, and then rank them.

If we say that it's most important to reach children in school, whether it's preschool or elementary grades, then we provide all services to them free. If we say that it's much less important to provide free services for business and that they are making money therefore they can pay, then I think that's a distinction we should make, and they should pay for the services whether they are print or electronic. But that's the basis on which I think we

should make the decision, personally, not on the basis of whether the material is in print or electronic.

Unfortunately, that kind of determination is much harder to make. I recognize that. I think most of us do. But that's why I think it's important to establish goals and decide who our clients are and what are core services. In libraries we like to talk about core services, the ones that are most essential in our community, and then charge for the ones that aren't core, that aren't the most important.

Mr Gravelle: Thank you very much for your presentation, in which you did make clear that there has been some, I guess, public word from your council that in terms of money that's lost, in terms of provincial funds, they will not be replaced. That's an accurate representation of what you said?

Ms McLean: That's correct.

Mr Gravelle: Obviously that's fairly dramatic, because it's hard to imagine — well, I guess it isn't hard to imagine, you could tell us what that will mean in terms of reduced service. But I'm just trying to tie it into the whole concept of citizen majority boards. Do you feel that if you have a majority of citizens in terms of maintaining library boards, that would help to be able to work with councils, or do you think there is any valuable connection between the two?

Ms McLean: I think there is some benefit there. Yes, they do have some influence and they do make presentations to council, both formally and informally. But I think hand in hand with that there is also their ability to fund-raise, their ability to go out into the community and get the community interested in the library. In our community — I can't speak for larger communities but in smaller communities — I don't know that the citizen boards would influence the funding as much as they would influence freedom of information, and that is essential.

Mr Gravelle: Yes, that's crucial for you, but you're right. You made the point very well in terms of they're the volunteers and they have a precise involvement. They're the ones who go out and do the fund-raising in a very different way, and if you remove them, you aren't going to have the committed fund-raisers, because they don't have a significant role to play.

Ms McLean: And I'm in a community that has a very low percentage of business in it, a low tax base. It's mainly residential — 92% residential and 8% industrial — so that ability to go out and fund-raise is extremely important.

Mr Gravelle: You also made the point about and thanked the ministry for the preamble to the bill. My point would be that the preamble is very nice and important, but if certain things are changed, the preamble won't have any real meaning.

Ms McLean: Yes, that's very correct.

Mr Martin: I just caught the end of your presentation and I apologize. But it seems to me from my conversation with my Liberal colleague that you were supportive of the trend that is beginning to develop here, which is a concern about the question of citizen participation on boards and a majority, concern about access to information in various mediums, not just the written, and concern about a provincial participation.

You very adequately, in the pieces I heard, talked a bit about the impact on your smaller rural library system, because of the limited tax base, of the reduction of provincial contribution. I know in my community, up to this point, I think we've lost about \$180,000. By the time it's all done, there'll be a quarter of a million dollars out of the library system in Sault Ste Marie, and that's going to be difficult to replace, particularly if they're forced to fund-raise.

If all three of those seemingly very important fundamental stool legs disappear, what happens then?

Ms McLean: I'm concerned about the consistency of library service throughout the province. I think there are going to be pockets of poor service, there are going to be pockets of excellent service. But I'm concerned that it's going to be very uneven and that in order to meet the budget requirements, libraries are going to close, they're going to drop such services as interlibrary loan and other things that in a large centre people will take for granted. They will no longer exist in a smaller community, and there will be nothing to replace them.

The Chair: Thank you very much for coming forward to make your presentation today.

RON CHOPOWICK

The Chair: Would Ron Chopowick please come forward. Welcome, Mr Chopowick, to the committee. Go ahead.

Mr Ron Chopowick: Good afternoon, ladies and gentlemen. I'm Ron Chopowick, citizen member of the City of Scarborough library board. I'm representing myself. I should note that I was nominated to the board by the Metropolitan Separate School Board of Toronto, and over the last three years I've developed some experience that I thought I could share.

As an introduction, I should note that Bill 109 proposes that library services be managed and funded at the local level. I will begin by stating that I endorse the general intent of this act, but I do have two reservations, personal ones. My comments will deal with the positive attributes of the act, as I see them, in general. I'm not going to speak on specifics. Then my rationale regarding reservations and recommendations will follow.

My first comments deal with governance, accountability and funding. I lump them all together. I see the act as making sense out of current operational realities. As a taxpayer, I believe that funding should be obtained from and control applied closest to the level at which library services are being provided. I believe that members of communities will financially support services like libraries because they recognize them as being of benefit, either directly or indirectly. The time has come to stop passing public moneys targeted for local programs among various levels of bureaucracy and apply them directly, and I applaud the current government for its initiatives in this area.

My municipality, in my view, has in fact controlled overall budgets and even the sequencing of establishing library facilities, leaving line budget items to the discretion of the board, as it should. My perception is that at budget time especially the board has operated as a quasi-

department of the city of Scarborough. This is logical, I think, because the city provides approximately 91% of the board's annual operating budget, with the province providing about 5.5% and other revenue sources, such as fines, the remainder. I'm reminded of the fact that when it was time to spend money for an expensive new computer system, the city of Scarborough provided an interest-free loan to help us do that.

In light of current disentanglement initiatives and rationalization of roles of different levels of government, I do not see the replacement of the provincial grant as being a significant problem in Scarborough. I realize, however, that this will not be the only increased demand on the local tax base. My calculations indicate that with about 183,000 households, give or take a few hundred, in just Scarborough alone, the municipal funding increase per dwelling unit per year to replace the current provincial grant will be between five and six dollars. These moneys should be freed up in communities as a result of downward adjustments in provincial income tax rates. I'm still hoping to get the effect of that, but I live in hope, and I anticipate that new, extraordinary information formats presented by libraries will require a user-pays policy. You're already discussing that. As well, my sense is the new city of Toronto, with its broader and larger tax base and its economies of scale will have little trouble in making up for previous provincial grants to libraries.

With regard to the user-pays point that I made, I believe that when you have special sources of information being used by a select few, those people should pay for that. We have general print information, and that should be free, but you can't fully subsidize a few people.

1520

The act, as I see it, should encourage more integration of libraries as subfunctions of their municipalities. This in turn should lead to rationalization of resources, both human and physical. I can think of examples in Scarborough, such as in physical resources maintenance-repair. We have a department in the library board, and just across the yard the city of Scarborough has a department that takes care of that.

Over time, this rationalization should result in enhanced cost-effectiveness of departments operating in a staff function outside, and I stress outside, the front-line services in the libraries themselves. I would not like to see and I would find it very difficult to accept that the funding and the support for the libraries themselves would be affected by these changes.

I anticipate that the process of working through the new structure will not be easy — change is never easy — and much strategic planning will be required. That's going to be difficult too. People like to think of the immediate problem rather than, "Where are we going to be in a couple years and how are we going to get there?"

This brings me to my first reservation. Over the years, a valuable reservoir of knowledge and interest with respect to libraries has been built up in communities. In order to tap into this and also recognize and support unique community needs, I recommend that the new city of Toronto allow for community councils to be involved in deciding membership on and appointments to the new public library board. I hope the new city of Toronto

considers this strategy as a means of engaging citizen volunteers and interest groups on its library board.

The second point I'd like to deal with is board representation. The act stipulates that library boards will be in place and municipalities that fund library operations will decide on the nature of board membership. There appears to me to be silence on the representation rates of citizen volunteers.

My experience as a citizen volunteer in Scarborough has always been most positive. My municipality has always sought and supported citizen participation, and I'm happy to report that I have a plaque on my wall that honours my contribution to the city of Scarborough. However, this may not be a provincial norm.

In my experience, citizens are less likely than municipal councillors to be influenced by purely political considerations. I hasten to add that this is not to say that the practice of politics is not important. But when push comes to shove and the ultimate decision has to be made, the needs of libraries to fulfil their critical and essential roles in communities must be paramount. I'm sure you've heard a lot about literacy rates and information dissemination. Literacy rates especially are a very important criterion for designating whether communities are well developed or not.

There is the expectation that municipalities will continue citizen board membership. However, we will be navigating uncharted waters, so a marker such as the statement "Citizens will continue to form majority membership on a board" will serve to provide direction and supports the notion of majority citizen participation. If this is an agreed principle, it should be enshrined in writing.

I hasten to add that since it's the ratepayers who provide the major funds for programs and initiatives to all levels of government and who use the programs, it is the ratepayers who should have a greater ongoing voice regarding the nature of expenditures and operation of programs. While it may be true that, compared to other levels of government, local councils are in the best position to determine what's best for their communities, I think it's even more true that the consumers of government services know what's best for themselves. As exhibited recently, too often, elected officials are unaccountable for financial decision-making, except at election time. I want to make it clear I'm thinking more of BC right now than anything in Ontario.

Finally, municipalities are being given the power to decide on rules for reimbursement of board member expenses. I would be more comfortable with the act stating there should be an annual honorarium of about \$2,000 paid to citizen members of library boards. This will serve to formalize a member's relationship to a board, while providing reasonable compensation.

In this light, I recommend that the act should stipulate that citizen members will form majority membership on library boards and members will be paid a reasonable honorarium.

Mr Chairman, that's my presentation. Thank you very much.

The Chair: Thank you very much. We have about two minutes per caucus for questions.

Mr Gravelle: Mr Chopowick, thank you very much for your presentation. Are you presently a citizen member of the board?

Mr Chopowick: Yes.

Mr Gravelle: What is the relationship like between council and the library board right now in Scarborough? How would you describe it?

Mr Chopowick: I think it's a very good, effective working relationship. Citizen members of the board sometimes find they're not privy to all the information, and this is where the art of politics is a reality, but I think we have an effective, harmonious relationship. Sometimes we get messages that are difficult to deal with because, as I say, we don't have the big picture.

Mr Gravelle: But the bottom line is that you have to relate to the budget realities, as they are, as part of your board duties, obviously.

Mr Chopowick: Yes. As I said, over 90% of the budget comes from the council, from the municipality.

Mr Gravelle: So your feeling would be that a majority citizen membership — it certainly is a theme that is developing among most of the presenters. Regardless of the level they support or don't support the bill, that seems to be a common concern, that it makes sense to maintain citizen majority involvement and that it shouldn't seem threatening to the municipal councils, because they'll be sensitive to the needs of the municipalities.

Mr Chopowick: Since we vote for them in the first place, we should be able to coexist and get along. I think the phrase is, "He who pays the piper calls the tune." I feel we should have the majority voice.

Mr Gravelle: Fair enough. Thank you.

Mr Martin: Thank you very much. I appreciate your strong position on the question of majority membership on library boards. That's clear. You make some comment as well on the question of access to information; you suggest that there are some people we just can't afford to subsidize in terms of their access. It reminds me of a conversation I had with a constituent when we were looking at different issues of equity when we were in government a few years ago. They made the interesting comment on the phone: "You can't give everybody their human rights. It's just too expensive."

Mr Chopowick: I would say the greatest good for the greatest number of people is what we have to do with our tax dollars.

Mr Martin: Would you agree with those who have come before us who say that accessibility is of primary importance in the library system, and that as we get into the new age of computers etc it would be counter-productive to limit free access to the written or printed word?

Mr Chopowick: My sense is that access to printed information will continue to be free. My position is that where we have to spend large sums of money on new modes of providing or accessing information, people who want to use that will probably have to pay. We just don't have the tax base to support everything, so we'll have to make decisions. Books, because of their universality, obviously, as it is currently stated, will have to be provided as they are now, free of charge, but as you get into CD-ROMs, specialty items, I think libraries are going to have to look at charges.

Mr Stewart: I like the words "no cost to the users" rather than "free."

Mr Chopowick: The taxpayer always pays. I stand corrected.

Mr Stewart: No problem. The last three or four presenters we've heard are very concerned, and you've echoed the same thing, that you would like it mandated that there be citizens appointed to the boards and it should be included in the act. What this government is trying to do is get out of regulation, get out of red tape, get out of structured process, because what may be applicable in Toronto or in Thunder Bay may not be applicable in Keene or Lanark or whatever.

My concern is that if it's put into the act, all of a sudden it takes away flexibility. Sometimes, to mandate something that is consistent across the province can maybe affect that program itself. Would you care to comment on that?

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Mr Chopowick: I hear where you're coming from. With due respect, I strongly disagree. I think the municipalities will have all the flexibility in the world. All they have to do is make sure that citizens, who are paying the taxes and who are consuming the services, are the majority representatives. Beyond that, there will be flexibility.

Mr Stewart: I appreciate that. If the Who Does What program goes into effect, I can assure you that municipalities will not want to set up another bureaucracy to run libraries. They will rely very heavily on volunteers, on volunteer boards etc, because they cannot afford, as indeed this level of government cannot afford, to add more bureaucracy. I would think that might relieve some of your concerns.

The other thing I would like to ask you, though, regarding the —

The Chair: Mr Stewart, you're going to have to follow him out if you want to ask him another thing, because we're beyond the time. I want to thank you on behalf of the committee for coming forward today and making a presentation.

METROPOLITAN TORONTO REFERENCE LIBRARY

The Chair: Would Dr Maureen Rudzik please come forward? Good afternoon and welcome to the committee.

Dr Maureen Rudzik: Ladies and gentlemen, good afternoon. I'm Dr Maureen Rudzik, chairman of the board of the Metro Toronto Reference Library. To my left is Frances Schwenger, who is the CEO. I'm very pleased to be able to speak to you today. I'm speaking on behalf of one library only, and that is the Metro Toronto Reference Library.

The Who Does What Crombie submission on public libraries described the Ontario system as "the best public library system in the world." However, I'm fearful that Bill 109, the Local Control of Public Libraries Act, 1997, as it is now written, will drastically change services across Ontario and the best system in the world could be in danger of becoming a memory of the golden age of library services in Ontario.

Before speaking to the bill itself, I would like to give you a snapshot of the Metro Toronto Reference Library, because perhaps you're not aware of what we offer. We are very proud that this is considered to be a world-class public library facility. Our services and our architecture are emulated in countries and cities as diverse as Gütersloh in Germany; Copenhagen, Denmark; Perth, Australia; and of course North York, Ontario.

The public Toronto reference library's services and resources differ from other public libraries. We're a reference library; we're not a lending library. I think it would help you if you would consider us as an information resource centre. I think that's the best way to think of us. We differ in the following ways from public libraries:

(1) In our focus as an information provider. This is based on the in-depth expertise of our subject specialists as well as our extensive and comprehensive collections. MTRL has over 50 subject experts in fields as diverse as consumer health, performing arts and business. Some of our collections support scholarly research; for instance, history and the humanities. Our Sherlock Holmes collection draws people from all around the world. No other public library has developed, or can afford to develop in this day, expertise and collections of this depth and scope.

(2) In our provision of electronic access. We are described as "among the world's most technically advanced public reference facilities." We provide user-friendly access to local, remote and Internet databases, and I'd like to mention that we have 92 terminals that are called worldview terminals that are award-winning electronic terminals. We are leaders in applying our subject expertise to organize the Internet. Again, you may have seen a Globe and Mail article recently which describes this.

(3) In our varied customer base. We serve professionals, business people, researchers, artists, performers and students, and that is both high school and post-secondary students.

(4) In our support of Metropolitan Toronto's multi-ethnic population. We hold thousands of items in languages other than English and French. No other single library system meets the needs of the region's multi-ethnic communities.

(5) In our publication program. This includes many heavily used and highly respected regional products. Only the Metropolitan Toronto Reference Library has the staff expertise and appropriate computer systems to generate these publications.

(6) In our Consumer Health Information Service. CHIS, as it's called, now serves residents across Ontario. It was the first service of its kind in Canada and it's now being emulated in Hawaii, PEI and New York City, just to name a few locations. Continued funding from the Ministry of Health confirms the Metro Toronto Reference Library's ability to deliver innovative services to a user community which is broad and geographically dispersed.

(7) In our early recognition that libraries are positioned to market enhanced information services for fees. Our fee-for-service operation, called IntelliSearch, is proving that large and small businesses will pay for their research.

(8) In our role in Metropolitan Toronto as the hub of provincial networking. The recently announced Network 2000 project acknowledges the library is a point of presence for Ontario. You have just seen the Avita presentation of the announcement of this. It's a wonderful and exciting network.

(9) In our support for the education system. Approximately 700,000 — and I'd like to quote that figure at you again for emphasis: 700,000 — a year of our users are high school, college or university students. High school students from across southern Ontario converge on our facility because we have the in-depth resources which OAC students need.

I hope that this gives you some flavour of the unique facility at 789 Yonge Street. Most of our services and collections are not duplicated in other public libraries either in Metro or in Ontario. Over the years, the Metropolitan Toronto Library board has ensured that public funds for its operations have not been spent to duplicate services and collections provided by local municipal library boards. The board continues to seek ways in which the library's unique services can be made more widely available to public libraries throughout Ontario.

This backgrounder on the Metro Toronto Reference Library also puts into context the recommendations approved by the Metropolitan Toronto Library board regarding Bill 109. These recommendations are necessarily coloured by the impact which the passage of Bill 103 will have on the Metropolitan Toronto Library board and on the six local library systems within Metropolitan Toronto. We are aware that the Metropolitan Toronto Library board could become part of an integrated library system. This is the crux of the matter.

Therefore the board seeks to ensure that the reference library will continue to be a special status institution. It must continue to enjoy status both as the upper tier of information provider in Metropolitan Toronto and as a special library service provider to the province. This will ensure that the Metro Toronto Reference Library will be able to make significant contributions to the emerging provincial library network and the content that will be available, we hope, to all Ontarians.

The recommendations that the board has asked me to pass on to you to Bill 109:

First, and most important, the Metro Toronto Library board is concerned to maintain its special status as contained in the Public Libraries Act, 1984, subsection 40(3). That states, "The Metropolitan Toronto library board, as continued by subsection 184(1) of the Municipality of Metropolitan Toronto Act, shall be deemed to be a special library service board and may provide library resources and services to the Ontario library community."

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Because the Municipality of Metropolitan Toronto Act will be repealed by Bill 103, this clause, and I would like to point this out, will be rendered meaningless even though the clause itself remains in the Public Libraries Act. The board also wishes to ensure that there will be continued funding from the province to support its provincial role. Therefore, the board recommends that the clause be changed to read:

"The Metro Toronto Library board, and any successor board" — because we do not know what Bill 103 will

bring — “shall be deemed to be a special library service board and may provide resources and services to the Ontario library community and these resources and services will be funded by the province of Ontario.”

Second, the board recommends that Bill 109 be amended to require that suitably qualified citizen representatives constitute a majority of the members of library boards. You keep hearing this, I'm sure. Also it is recommended that the bill specify no fewer than six board meetings a year to be held, because Bill 109 does not specify a minimum number of meetings, and that these meetings of course should be public. That goes without saying.

This amendment will continue the tradition by which citizen volunteers have contributed their time and talents to library boards. It will help to ensure that the important democratic principle of intellectual freedom is preserved. Citizen representatives will continue to bring a sense of community to library boards. The requirement to hold at least six board meetings a year will ensure that library business is not overlooked in a busy municipal environment.

A third recommendation is that Bill 109, section 14, fees, and regulation to amend Ontario regulation 26/96 made under the Municipal Act, be changed to permit the introduction of annual membership fees and to prohibit fees which limit access to information depending on its format. What you are proposing is fees by format. The introduction of any fees, the board recognizes, will create a barrier, will create haves and have-nots where the information is concerned. We are not a lending library, therefore we do not have fines, and we think that's where the majority of the income of lending libraries is generated.

I would like to quote: “Research has shown that the most cost-effective user fee in public libraries is an across-the-board membership fee.” The most cost-efficient user fee, and perhaps the only fee that can make a significant difference to a library's bottom line, is an annual membership fee. The proposed amendments prohibit annual membership fees. However, the province of Alberta does allow annual fees. As well, both the Calgary and Edmonton public libraries each realize revenues of approximately \$750,000 from this source. In today's fiscally stringent environment libraries must have the option to maximize their fee revenues.

A further concern is that while access to print collections would be free, charges for access to online information would be allowed. In the age of information, when more and more information is only available online, it is vital that all citizens have equal access to information they need regardless of its format. I'd like to point out to you that about 40% of medical and legal journals, probably because they come from a very well heeled profession, are only available in electronic form, so you are really inviting a penalty to access that information.

The board's fourth recommendation is that Bill 109 acknowledge that public libraries, especially large public libraries, require qualified staff to manage and to provide services. The sophisticated collections and electronic services of today's large public library systems require staff who understand the business of managing and pro-

viding information services. The language in Bill 109 as it relates to library staffing is very ill defined. For example, an inexperienced library board facing budget exigencies might well appoint or contract out services to unqualified sources.

The board's final recommendation is that Bill 109 include language which recognizes the shared responsibilities and costs of providing library services to students. The Metropolitan Toronto Reference Library is bearing much of the brunt of the board of education cutbacks. Fully 45%, and I'll emphasize again, that's 700,000 students, of the Metropolitan Toronto Reference Library's use is by students. School libraries are open limited hours, teacher-librarians are being replaced with untrained staff and school collection budgets are shrinking.

It is timely to acknowledge the unofficial partnership and responsibility which library boards and boards of education share in the provision of resource materials for students. We believe some integration between the reference library and the Metropolitan Toronto school system will provide a better and more efficient use of assets that should lead to lower costs, while continuing to serve the student community.

To conclude, the Metropolitan Toronto library board has presented you with its concerns regarding Bill 109. They are similar to the concerns of many other library boards. However, the overriding concern of my board is to ensure that, through legislation, the unique services and collections of the reference library continue to remain accessible to the citizens of the province.

If it is not recognized in the new legislation, the Metropolitan Toronto library board is in danger of losing its special status in the province and in Metro. The passage of Bill 103, which will repeal the Municipality of Metropolitan Toronto Act, will further erode the special status which recognizes this library's unique collections and services. By providing joint status, as both a local and provincial resource, the provincial government maximizes the strengths of a prominent public institution for the benefit of all Ontarians and ensures us a pivotal role in Network 2000. I thank you for this opportunity to speak to you and I wish you well in your deliberations.

The Chair: You've effectively exhausted all the allotted time. I want to thank you both for coming forward today and making your presentation.

CANADIAN UNION OF PUBLIC EMPLOYEES:
ONTARIO MUNICIPAL EMPLOYEES
COORDINATING COMMITTEE
LIBRARY WORKERS COMMITTEE

The Chair: Would members from the CUPE locals please come forward. Ma'am, I'm sorry, I'm going to have to ask you to take the button off. You can't have buttons with slogans on them. Thank you very much. If you could introduce yourselves before each of you speaks, maybe that would be the best way to go about it.

Mr Steve Burdick: I'll let my sisters introduce themselves. My name is Steve Burdick and I'm the president of the CUPE library local of the Metro reference library. Because of the brevity of time, I'm simply going to read you a list of recommendations which appear on the very last page of the submission my local submitted today

regarding this bill. I should add that all but the first two of these recommendations have been approved by the library workers committee in this province, and that committee has also submitted a brief on this bill.

The recommendations are as follows:

(1) That the present Public Libraries Act be amended to provide for the continued existence of the Metropolitan Toronto Reference Library as a special services library board providing an in-depth or second-tier reference service. Our brief explains this in much greater detail, but I would certainly point you in the direction of the remarks that the chair of that board has just made.

(2) That the present city of Toronto Act also be amended to provide for the continued existence of that library as a second-tier reference service.

The remaining recommendations are of a provincial nature:

(3) That the province facilitate transinstitutional library services, provided without fees and developed provincially through consultations with the library community;

(4) That the province eliminate user fees, and especially those based on format distinctions;

(5) That the provincial operating grants to library boards be restored and that the current statutory provisions be maintained;

(6) That the municipalities in general, and in the Toronto area in particular, be required as a minimum to maintain funding for library services at current levels, either as absolute amounts or percentages of their total operational costs, whichever is greater;

(7) That the boards and municipalities be discouraged from outsourcing their services;

(8) That adequate funding for the capital costs of libraries be ensured and that no actions be taken that run counter to the provision of their adequate capital funding. Parenthetically, I note on that that we are actually in very solid agreement with AMO, which I think is a pleasure for all of us in this room.

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(9) That the province continue to support the existence of effectively independent library boards and that dissolution or devolvement be done only on the basis of consultations, with all the affected parties in agreement.

(10) That the government (a) review and amend the qualifications for sitting on a board, including providing for (i) community representativeness; (ii) worker representation; (iii) a knowledge of library services; (iv) a knowledge of the community; and (b) develop a mechanism to ensure accountability — that's on the part of the board.

(11) That every municipality or county, or whatever appropriate jurisdiction, provide as a non-severable service a public library or public library system, and that similar provisions should appear in the Municipal Act and any other related legislation.

As I said, the two longer briefs go into all of this in much greater detail specific to the Metro library. The appendices provide a good deal of information. I would now like to refer to Janet Walker, please.

Ms Janet Walker: Hello. I'm Janet Walker and I'm president of the Toronto Public Library Workers. I'm not going to go into the similar details that my colleague has

just mentioned. What we'd like to focus on instead is the undervaluing and loss of library work that we believe is implied in Bill 109. This is work that has traditionally been done by highly trained women, whose tangible and profoundly meaningful services directly affect the library community.

Our community consists not just of library boards and their many employees, but the many millions of men, women and children of all ages and ethnicities who use the public library system in Ontario. It encompasses both the rich and the poor, the literate and the illiterate, successful businessmen and the unemployed, seniors and newborns — the list is massive.

As women we have been the traditional caregivers of this community. Our library workers throughout the province are dedicated to being keepers of this public trust. This role demands not only our dedication, but extensive training and education. I would submit that both these points are illustrated by the fact that in North America 80% of master of library science graduates are women, 90% of library technician graduates are women and 90% of all other library workers are women.

That also includes CEOs, and that is something that has been of concern in that Bill 109 removes the designation of chief executive officer, which, on the surface, might seem like an innocuous thing but it is an equity issue. This is one of the few realms in which women have been allowed not to hit a ceiling. They've actually gone through.

Ours is a skilled and demanding job. Much is asked of us in giving the library community the service it needs and expects. We must be able to train all the members of the library community to use and master the new technologies. I would like to ask, in that context, that the committee think seriously about allowing for the privatization of these services. Our communities, the municipalities, the province have invested a lot of money in building up this group of women, this group of workers, to provide these services.

I'll just say a brief word about volunteers. We work well with many who already contribute to libraries in significant ways. Those volunteers are the library board members and the members of Friends of Libraries, but to suggest that these services that we provide should be given out to volunteers denigrates the work and the skill and would significantly reduce the library services to the communities.

I'll conclude on that note and pass it over to my colleague.

Ms Thea Adams: My name is Thea Adams and I'm president of CUPE Local 1877, which represents the Scarborough Public Library Workers. Our union is in agreement with everything that has been said prior. Just to shorten things, we would like to speak on two issues.

The first point is the fact that there was no meaningful consultation with the library workers. Although the minister did go around and talk to members of library boards, CEOs, the people who are on the front line, who face the public day in and day out and know what their needs are, were not consulted when you were drafting this legislation. Had we been involved, maybe we wouldn't all be here and this bill would have taken a different direction.

The other concern we have is another one that has been spoken about, and that's the makeup of the library boards. The lack of guarantee for citizen membership is not acceptable. Libraries are not only financial; they are also things such as circulating policies, censorship issues, user fees, free access for services. The library board must be kept at an arm's length from the elected officials who can be influenced by special interest groups who may have other motives.

We feel it is a conflict of interest. The way you have set the legislation up a library board could be a member of one councillor. There are too many vital issues as we go into the 21st century and the direction that libraries are going to be taking to be left in the hands of one person or just a few in the community. Especially if Bill 103 goes through, you're looking at one or two people. We urge you to look at the membership of the library boards and in fact guarantee that there is citizen membership on these boards.

The other fact is that especially in Metro we have a very diverse community and the library board members represent all of these communities so that they can be heard. I'll pass it on.

Ms Christina Duckworth-Pilkington: I'm Christina Duckworth-Pilkington, president of CUPE 771, the North York Public Library Workers, and I want to address our concerns about funding. We're very concerned about the removal of the province from the funding of the libraries. We think this not only costs us financially but sends a message that libraries aren't a prime concern of the province any more. We are concerned that the councils will take the message to heart.

We in Metro not only are going to come under pressure that way; we can't ignore the effects that Bill 103 might have. We were watching the filibuster closely and indeed were supporting it. We hope something good will come out of it for libraries. We think it's going to be tough on us in a large community to maintain our funding where we're now going to be in direct competition with fire and sewers and ambulance services, and we think in a small community it's going to be absolutely devastating. The Indian band libraries, for example, have no funding other than what the province gives them. If designated funding is gone from them, they won't have libraries.

We're also concerned about user fees. We feel that the reduction in funding is going to force the boards into user fees more than they are now. That's another message that the province doesn't care about equal access to all for public library services. Yes, it seems like a frill to say that they can now charge user fees for borrowing CDs and audiotapes and videos and, more alarmingly, the CD-ROMs. These are the books that have gone on to computer. Right now in my own very small library, I no longer have a print version of Books in Print or even Omni magazine. This is a science journal and it's no longer available except in electronic form. We are very concerned that the print medium that they can't make money off will be neglected for things like — we'll go toe to toe with the video stores. Videos circulate amazingly. It'll be a great moneymaker. The boards are going to be forced to concentrate on formats that bring cash in, to the detriment of things that are more valuable.

We're concerned about the services that are going to be charged for. We're concerned that you'll have to pay to reserve a book. Electronic technology makes it possible for us to charge for telephone requests for information. It makes it possible to charge for research done from home computers or from school computers. You can buy a little card and you'll have to type your card number in before you get anything. I don't say they've done it yet, but it's one of the things that's now possible to do. This means that people without the money aren't going to be able to afford a lot of services that they can get now. User fees will create two tiers of society: those who can afford information and those who can't. I'm urging that the formats not be distinguished, that all library material continue to be accessible.

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Mr Gravelle: Thank you very much. You've clearly covered a number of important areas, and I think it's important. I realize you've pooled your time together here in order to get on, so I appreciate it, but I think in that we've got this opportunity I wouldn't mind talking very quickly to Ms Walker about the whole question of the value of work and also the stresses and some of the workplace injuries that are taking place. I don't think that's something people are terribly aware of. If you could just tell us a little bit more about that, what kind of workplace situations are we talking about in terms of injuries, and some of the stress, just the added stress, because it was helpful even getting a better understanding of all the skills you need to do your job. I think it would be good for all the committee members to hear that.

Ms Walker: As the Toronto Public Library board chair mentioned earlier, between 1991 and now if you've got a 51% increase in circulation and you've got the number of staff going down, it doesn't take an Einstein to understand that the staff are going to be injured. What our experience has been is that we've suffered a 38.2% injury rate of muscular-skeletal disorders, and these are in the nature of overuse injuries. It's just a simple fact: If you use it too often in the same position for too much time, it gets hurt. These are the sort of injuries you can't see when you look at someone, that they have a degenerated disc, tendinitis and carpal tunnel, and that's because our public, bless them, are in so often — they need us, they need the resources, they need the staff — and we're literally wearing down to the bone and we need the funding.

The Chair: Thank you all for coming forward and making your presentation.

FRIENDS OF THE SOUTH DUMFRIES PUBLIC LIBRARY

The Chair: Would Geoffrey Snow please come forward. Good afternoon, Mr Snow. Welcome to the committee.

Mr Geoffrey Snow: Good afternoon, Mr Chairman and honourable members. I appreciate the opportunity to address the committee. I should point out that I'm here today to give you the view from RR 1. I'm here as a representative of Friends of the South Dumfries Public Library. I don't represent the library. I do not represent

the library board. I represent the people who use the library in South Dumfries.

When our Friends group first got wind of the proposed changes to the libraries act, I think the one measure that caused the most consternation was the gradual phasing out of provincial operating grants. We had been warned to expect cuts for some time, we could see the writing on the wall, and that's why we formed the Friends of the Library group, so we could raise money within the community to partially offset the cuts that were coming.

Make no mistake: We're not here today to plead for a doctor's note to excuse us from budget-cutting. We recognize that cost-cutting is a political, if not an economic, necessity. If we have to hold bake sales and car washes to help out the library, we'll do it, but at the same time we would prefer to see the province maintain some presence in the public library system.

In the opinion of the people we consulted, the withdrawal of provincial funding could compromise the interlibrary loan program. I'm sure other presenters today or possibly on other days will outline the reasons for concern about cutting provincial grants to the interlibrary loan program. What I want to do today is just to stress to you how extremely important this program is for those of us who live in rural communities.

If you look at the map, you'll see that South Dumfries is halfway between Brantford and Cambridge. You might not think it's a terribly isolated community, but eight miles on city streets and eight miles on snowy county roads are entirely different distances. Within our two villages, there are no book stores, there are no schools beyond the elementary level, so if we want information we have to go to the world outside to get it. Interlibrary loan provides us one way of doing this.

When I told people I would be appearing here, it seemed everybody had a story to tell me about material they'd gotten through interlibrary loan, and all of them seemed profoundly grateful for the existence of this service. Interlibrary loan allows those of us in rural communities to participate in the culture of the province on the same footing as those of you who live in larger centres.

We have a very varied population in our township: There are people who've been there since the first surveys in the 1820's; there are others who are new to Ontario and indeed to Canada. Our small library doesn't have the money or the space to stock all the materials we need to service all these people. We need to depend on the larger libraries in the province.

You might even consider that if a book is only requested every few years it makes good sense to have only one copy in the provincial system. Think of the interlibrary loan system as a sort of Internet for books or, if you like, a lane on the information highway reserved for the big rigs and the heavy freight. Through interlibrary loan, a person who lives in South Dumfries can borrow a book on the shelves of any library in southern Ontario. We're worried that this program may be at risk if provincial funding is reduced.

We don't think it's because libraries want to stop providing this service. We're glad that the province is setting up a coordinating body for all libraries in the

province, but we feel that the large libraries tend to see us in rural areas as the stray cats at the door. They are quite happy to provide us the odd titbit when times are good and bask in our appreciation, but when times get tough we're worried they're going to shut the door in our face and say, "Sorry, you'll have to take your chances on your own our there."

I think the federal government has learned with health care that it's one thing to express wishes for a uniform standard of service, but if you don't put the money in there, you have about as much influence on the system as an editorial writer.

There are a few other matters. We're considering with some trepidation the decision to allow libraries to charge user fees. I should point out that I already give money to my library. Some people in our community pay an annual membership in the Friends of the Library. Some pay a voluntary annual membership to the public library and many of the people in the Friends have told me they have no problem whatsoever with paying a fee for services, so you might say, "What's the problem then?" The problem is that members of the Friends are the most committed users of the library and we have to consider what the irregular users or non-users of the library feel about this. We have to consider that the library isn't just a business, it's not just a provider of service, it's a missionary enterprise.

Our public libraries in Ontario were founded in the late Victorian era by people who looked at the unlettered masses and said, in the words of the Duke of Wellington, "I don't know what effect they have on the enemy but by God they scare me." The whole point of the public libraries was to train these people up into the culture of self-improvement to make them better citizens. That enterprise continues to this day.

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The trouble is that we have some citizens who never set foot inside a library. You can think of them as the heathens of the information age; you can think of our librarians as trying to win them for literacy. I think the explosion of electronic media represents one of the best chances in generations to reach these people.

I was working in an office environment back in the 1980s when desktop computers first began to proliferate, and one of the surprising results of that was that men who'd formerly sent everything to the secretarial pool to be processed were now, at tortoise speed and with Soviet efficiency, typing their own memos on the computer. In the same way that the computer made typing an acceptable activity for middle-aged men, the Internet has made sitting and reading an acceptable activity for teenaged males. This is a great chance to reach not only them but others who currently don't use libraries. There is a hope among librarians, and I think among all of us, that if we can lure people in with the small beer of the Internet, then we can hook them on the hard stuff, books, later on.

If we put up fees for non-core services like that, we're immediately discouraging people from using them, or to continue the missionary metaphor, it's as if the preacher demands a fee from people before he lets them into the revival tent. It just doesn't work that way. As the Friends of the Library, we know that there are tough times ahead.

We're going to have to reach farther and deeper into the community to survive. We need the guy at the feed mill behind us, and one of the best ways of reaching him is through our leadership in electronic media.

We know our librarians don't want to charge fees for this service, but we also know that unless the province forbids it, municipal politicians are going to put pressure on our library to start charging for these services and ease the library budget a bit. We urge you to see it from our point of view and leave service fees out of the equation.

I'm sure you've already heard lots today from other speakers who have talked to you about governance. I'll just make the point that in South Dumfries we have only five members on the municipal council, and besides council work and liaison with the county, they also serve on the fire committee, industrial development committee, non-profit housing corporation, parks and rec, the old school committee, the urban service area committee and the community liaison with the OPP. They also hold day jobs, raise their kids and read lessons at the church on Sunday. They don't have the time necessarily to develop full expertise in library matters. They rely heavily on citizen volunteers.

I don't see any change coming in the near future in the way we structure things, three council members, four citizen volunteers on our library board, but I can't foresee any political storms in the future. It may seem really silly to you to talk of something like intellectual freedom in South Dumfries county, but that's one of the things our citizen boards help to do. I don't know why it may become politically expedient to interfere in the affairs of the library, but the arm's-length system has worked very well up to now; we'd like you to keep it.

I'll just close by saying I don't know what sort of day you've had. If you've been dodging brickbats here, you have my sympathy. But you've probably heard people expressing concerns about the legislation, probably well-founded concerns. They've probably also been expressing their affection for and their pride in our local libraries. That pride is especially strong in the rural settlements and townships of Ontario, because with not much money but a lot of wit and ingenuity, we've been able to fashion a system that can put almost any book in the province into the hands of somebody who's eager for knowledge or beauty in their life.

Books aren't all that our rural libraries provide, either. The library for our small community isn't merely an information warehouse, it's our art gallery, our concert hall, our theatre, our archive, and through interlibrary loan it's a door to all the cultural riches of the province. Our system may not work particularly well in terms of abstract ideals of uniformity or rationality, but it does work and our only request is, please let it go on working. Thank you.

The Chair: Thank you, Mr Snow. Again, we're in a position where we only have two minutes, so I'm just going to ask one caucus to ask questions. Mr Martin.

Mr Young: I just want to say it was an excellent presentation.

Mr Martin: I second that comment. It was an excellent presentation and it's so nice that you came all the way in from South Dumfries to make it. We really

appreciate it. We've had actually quite a contingent of people here all day. The room's been full so there's obviously a tremendous interest in this issue. I think out there across the province you'll find that hospitals, schools and libraries are the fundamental building blocks of any community.

I think you make a wonderful argument this afternoon for the three issues that have been raised consistently over the day so far: the issue of volunteer citizen board members; the issue of provincial involvement so that you can have access to the library that's available to everybody from a central pot so that we can all plug in; and, of course, as a matter of fact, probably the most interesting point that you made, although they were all interesting, was the issue of how we can now bring people in who haven't been participating.

I go over to a friend's house from time to time to visit. There are a couple of teenagers and they're really wild and woolly, as teenagers are. Up until about a month ago, I never saw them doing homework or reading, but now they've got a new computer and, honest to God, from the minute I get there till I leave they're around the computer and they're into all kinds of wonderful things, so you're right.

The question I have after all of that is, as a Friend of the Library, do you have contact with others in the community who aren't so formally connected and what are they saying about this, if anything?

Mr Snow: Yes, I speak to my neighbours and the thing is, there are people who never set foot inside a library from one end of the year to the next but that doesn't mean they're not strong library supporters. It goes beyond just the people who use the library. I have one woman in the barn next door to us who raises horses, and horses are all she thinks about night and day. I don't think she's ever set foot in the library, but when I told her I was coming down here today to speak out — I put it as simply as I could — against cuts to library budgets, she said: "Good for you. Somebody should be doing it." I think some people in our community see the library as being something almost like the police: "I hope to God I never have to use it, but if I do, I'm glad it's there."

The Vice-Chair: Thank you very much. We've run out of time. We appreciate your coming here to give your comments.

MONIQUE DULL

The Vice-Chair: I would like to call on Monique Dull, please. Good afternoon and welcome to the standing committee.

Ms Monique Dull: Thank you for letting me address you. I want to start by making it clear that I asked to speak about Bill 109 purely as an individual Ontarian. I am not, and have never been, a librarian; none of my family members, close or distant, are librarians; and I am not and have never been married to a librarian. The same goes for board members and support staff who might be affected by this bill, so get that out there in the open.

I am here as one lifelong user of local public libraries, mostly in North York. I am here to point out one thing: The complex, converging pressures which Bill 109 would put on local libraries in Ontario will press down hardest

on the library users who need libraries the most: lower-income children, new Canadians and, strange as it sounds at first, the illiterate and the blind.

I will elaborate my argument by referring to the bill and some external facts shortly. But I want to start my argument about class and culture with a quote from Matthew Arnold. It was interesting: When Mr Snow brought up the Duke of Wellington, I felt right at home. Arnold was a great English conservative thinker of the mid-19th century. He was Her Majesty's inspector of the early public school system. He is the one who first called the profit-obsessed middle classes "philistines," a word we still use today with the meaning he assigned it. Arnold's the one who coined the phrase "sweetness and light" when he wrote that in a magazine that was kind of like our *Saturday Night* magazine today. The phrase "sweetness and light" meant great works of art, classics of culture. Matthew Arnold himself said "sweetness and light" meant "the best that has been thought and said in the world."

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Let me draw out some parallels. Ontario has many poor residents; so did England then. Ontario now is rapidly stratifying into class divisions unseen for decades, and the people landing at the bottom of Ontario's pile are no happier with this fact than Matthew Arnold's poor compatriots were in 1868, which was when he wrote his famous tract, *Culture and Anarchy*. In fact, Arnold published *Culture and Anarchy* in the midst of some unnerving riots — that's the anarchy of the title — before the third reform bill. So it was with this background of socioeconomic division, a background that calls our own province to mind very strongly, it's with all this around him that Arnold urged greater public commitment to distributing all great culture to as many people as possible.

I quote here from a section of *Culture and Anarchy* called *Sweetness and Light*: "The men of culture are the true apostles of equality. The great men of culture are those who have a passion for diffusing, for making prevail, for carrying from one end of society to another the best knowledge, the best ideas of their time; who have laboured to divest knowledge of all that was harsh, uncouth, difficult, abstract, professional, exclusive; to humanize knowledge, to make it efficient outside the clique of the cultivated and learned, yet still remaining the best knowledge and thought of the time and a true source therefore of sweetness and light," as he called it.

I hardly need to point out that Ontario's public libraries are the direct descendants of this honest, socially responsible and noble thought. But if we all really did know this fact, if we really did understand how legislated free access to all of a library's cultural materials democratizes knowledge, if we really grasped the idea that this ultimately helps the entire body politic, indirectly helping even the people who could buy up the world's Picassos with a snap of the fingers, if we really all understood the link between legislated library access to all cultural materials on the one hand, and a safe and united society based on culture, not anarchy, on the other hand, then Bill 109 would not have us all in this room.

Bill 109 inevitably pushes libraries to reverse this democratization of culture.

Let me start with section 2, where it revises the act's section 14 and moves fee structures from legislation into regulation. I'm sure you've heard other people discuss this. I've already heard a couple. Even I can see that this possibly provides a cover for the hiking and broadening of fees if that's ever deemed necessary. When these fees go up, it will not be the librarians who are trying to yank the Dr Seuss tape from the hands of a startled five-year-old in downsized Oshawa. No. The fees are inevitable, given the complex converging pressures which Bill 109 would put on our local public libraries.

Section 4 shifts all costs down on the municipalities. Section 2, where it revises section 5 of the act, brings a library board, and therefore its budget, under direct municipal control, another thing that Geoff Snow just mentioned.

If I were a municipal official — hypothetical statement — even I, a great fan of public library services, would make sure that my downsized people were fed and housed before I lent anybody a book. So libraries are certain to get short shrift. Ironically, this will happen more in the municipalities with the most people who can't afford to buy themselves culture or knowledge, even if that's in the form of a paperback or a CD-ROM.

These changes will come down hardest on needy users, and that in turn is going to cost all of us. That's Matthew Arnold's point. At Fairview Public Library in North York, I see very heavy borrowing by immigrant families, both adults and children, and audiotape, videotape and CD access is crucial to learning this weird language, English. North York's public library system also has over 36 other languages, and fluency in any one of these other languages ultimately aids fluency in our official languages. An immigrant child who is literate in his or her home language is probably going to speak and write better English than some monolingual anglophone children. It's a simple question of exposure to sign systems, to syntax.

You don't even need an "ethnic" story to prove the class-dividing potential of unlegislated no-fee policies. Any poor person, child or adult, is less likely to be literate and therefore needs legislated free access to non-print cultural artefacts. If you can't read *Macbeth*, at least it's still a great action flick. It really is.

If Bill 109 hands over control, then, it really hands over control to take some things away. Section 2, where it revises section 12(c) and (d), allows and implicitly encourages our libraries to raise operating funds by renting out space. To a degree, this already happens. Fairview has a food and drink corner, the Daily Perk, no doubt to raise some money as well as to feed people and quench their thirst. But the North York Public Library's administration conceives of its space, I think rightly, as public space, for the community. So Fairview's first-floor spaces are rented out at a non-profit rent to community service groups like the adult literacy program and the Ontario Audio Library Service. Needless to say, a municipal council faced with no provincial help will quickly look to those office spaces for market rent income.

Let me describe briefly what Bill 109 might put at risk on Fairview library's first floor.

The Ontario Audio Library Service runs what people commonly think of as "recording for the blind." That's the phrase that's used for it in the States. Here it's called other things in different provinces. The Ontario Audio Library Service organizes, with a skeleton and underpaid staff, 8,500 hours of volunteer reading a year. It produces, with these volunteer hours of reading, over 100 new tapes of required course reading for students at post-secondary institutions in Ontario. The students who use the recordings are legally blind or print-disabled in some other way, via dyslexia, for example.

The service has been cut back already. This is hard on the blind and print-disabled students, because it's crucial that they get their recordings of the textbooks on time. One student at Sir Wilfrid Laurier University wrote to the Ontario Audio Library Service to say how horrible it was when tapes were late and how thankful she was when the tapes got to her on time. After all, who wants the end of a textbook after the exam is over?

Fairview library is the Metro location, with 80 volunteers. I'm one of them. I've recorded hours of bizarrely, comically diverse texts: philosophy, the history of the superhighway, British explorers in the Caribbean, and most recently and most painfully, a textbook on the computer language C++. Once a week, we each sit in a recording booth in this tiny but still market-rentable office. It's not easy to make the time, but I have to. How could I not share some of my sight? It's not easy to get there, but I feel secure in this small public space, doing a very small public service. To be honest, I don't know how many volunteers would continue if the Ontario Audio Library Service had to move to the basement, for example, of a church we didn't know, or to a private home, if that space were to be seen at the end of the lease as being conducive to gaining some market rent.

The same could happen to the adult literacy program down the hall. The irony would be even worse. If you can't read, you want to take a tape out with information — I would, anyway — or with a narrative on it. Yet if you can't read, you're not well off, so you can't afford to take a tape out of the library because they suddenly have fees attached. This is a likely scenario. Surely this would be a case, if it happened, of the morally blind robbing the legally blind and the illiterate. These are the sorts of risks Bill 109 poses to our local libraries and, more broadly, to Ontario's social cohesion.

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To close, I will just go back to Matthew Arnold, again from *Culture and Anarchy*:

"Culture works differently [from politics or religion].... Culture seeks to do away with classes; to make the best that has been thought and known in the world current everywhere; to make all live in an atmosphere of sweetness and light, where they may use ideas as culture uses them itself, freely — nourished and not bound by them."

Mr Young: Thank you very much for your excellent presentation. It was very interesting. I really enjoyed your quotes as well.

Ms Dull: Thank you. It's a great book.

Mr Young: I'd like to quote too a little bit from Andrew Carnegie, who left enough money to build 111

libraries in Ontario. He was a very successful capitalist and a philanthropist. He said the best gift that could be given to a community was a free library, "provided the community will accept and maintain it as a public institution, as much a part of the city property as its public schools, and indeed as an adjunct to these," which gets me to my point about what is information, what is education and what is the purpose of libraries.

We have libraries that loan out toys and video films and Frank Sinatra records and a whole range of things, and we know, for instance, that at the University of Toronto, the Robarts library, the students take up all the computer terminals that are there essentially for research and block them using e-mail. Do you think it's really appropriate for the taxpayers to pay for somebody's e-mail use or their entertainment use or do you think that money should rather go to providing basic educational information?

Ms Dull: I think e-mail actually — although you might not have intended to, you gave me a very good thing to work with there.

Mr Young: I just want to learn about it; I just want to understand it.

Ms Dull: Sure, and I'm just trying to say that taking the last one you dwelled on, I think I could illuminate it with this other side. E-mail has become an absolutely crucial part of educational interchange now. In fact I am at present finishing a doctoral degree in the United States, although you wouldn't think so, because I'm in Toronto. I have done that and I have had excellent communication with my professors there. Granted, I've been using the Freenet because I don't have access to U of T's e-mail, but I also, if I were a doctoral student or an undergraduate here, would be able to contact scholars across the world immediately.

Mr Young: But I'm thinking of public libraries. I don't think they get too many doctorate students in public libraries. I'm thinking of children and teens who might use it for social or —

Ms Dull: With all due respect, many teens would want to have that kind of stimulating contact.

Mr Young: They do.

Ms Dull: I don't think we should foreclose the idea that perhaps a good many very intelligent teenagers would use it to surf the Net looking up stuff for essays. I see that already at Fairview. These are kids who don't have a computer at home. What's nice is that they have a reference librarian who can tell them, "This is where you point and click." It's actually a very intimidating thing.

Mr Young: I agree. I was talking about the social use as opposed to the academic.

Ms Dull: You can't really distinguish, though, because somebody might take Macbeth out for academic use; my husband takes it out for a great read on a Friday night. Again, I think texts, although we don't want them to be, are always up for grabs to a certain degree of interpretation, even up for grabs in the motivation with which we approach them.

The Vice-Chair: I'm sorry, we've run out of time. Thank you very much, Ms Dull, for appearing here before us today.

FEDERATION OF WOMEN TEACHERS'
ASSOCIATIONS OF ONTARIO

The Vice-Chair: I'd like to call on Maret Sädem-Thompson and Pat McAdie, please. Good afternoon, ladies, and welcome to the standing committee.

Ms Maret Sädem-Thompson: Thank you very much. I'm Maret Sädem-Thompson, first vice-president, and with me is Pat McAdie, researcher, speaking on behalf of the Federation of Women Teachers' Associations of Ontario, representing 41,000 women teachers in public elementary schools in Ontario.

Bill 109, like cuts to education over the past two years, reduces opportunities for Ontario's children and adult learners. FWTAO is always concerned about equality of access. We agree with Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, when she stated: "There is no doubt that our library system is one of Ontario's greatest cultural and economic assets." However, rather than improve the library system, as Mushinski maintains, FWTAO believes that Bill 109, the Local Control of Public Libraries Act, will take literacy and learning out of the reach of many of those who need it the most.

FWTAO has three major areas of concern with Bill 109: the potential damage to literacy, governance issues, and the slight to the democratic process. These issues will be addressed in turn.

This government has maintained that literacy is of key importance to both an individual's success and to the province's success. Our libraries cannot play a central role in this pursuit, however, if they are poorly funded and have user fees for certain aspects of their holdings and services. Literacy requires a commitment that includes adequate funding of resources such as the schools and libraries of this province, and it requires that access be freely given to these resources.

Bill 109 impedes our pursuit of literacy in a number of ways. It imposes user fees for everything except access to the library and for borrowing print materials. I don't need to remind you that Ontarians already pay user fees through their taxes. Bill 109, however, imposes new fees, but these new fees will not be geared to income. By eliminating provincial funding, smaller libraries will find it difficult to keep current and to provide their services.

There are a number of ways that these user fees may impact on literacy. In our electronic era, more and more materials are being made available in forms other than print. Imposing user fees on access to electronic information available through the libraries means that access will be limited. This will create a two-tiered system, where those with the financial means will be able to become more literate and more computer-literate. There is already a class division, regarding computer literacy and access to information only available through the Internet. We fear that this bill will increase the division, and I'm proud and pleased that many of the previous speakers already addressed that issue.

In order to provide access to the citizens of remote communities to more material, and often the more current material, a system of interlibrary loans has been established. Bill 109 will enable libraries to charge user fees for accessing this service. This will mean that those living

in remote communities, particularly children and adults living in poverty, will be financially penalized and will not be able to access the range of materials available to those in larger centres or with more money.

Many libraries have collections of language tapes. These tapes are very beneficial to citizens coming from other countries in helping them learn English. Bill 109 will allow libraries to charge a user fee for the use of these tapes. This will mean that those with the financial means to pay such a fee will have an advantage over those who do not.

Music programs are experiencing cutbacks in our schools. Our public libraries allow people a means to learn about different types of music. Research has shown that music training improves children's abilities in reading and mathematics. Imposing user fees on music tapes and CDs means that only some of our children will have the opportunity to be exposed to a variety of types of music. All children and learners should have access to music. Bill 109 reduces this access.

Under Bill 109, a library will not be permitted to charge user fees for using the printed material in the library. Unfortunately, what's happened instead over the last two years and certainly looking into the future is that they've had to reduce their library hours of access. When you reduce library hours, children, adults and seniors are denied access to a safe place, a place where they can pursue literacy and learning.

Since coming into power, this government has reduced the funding to libraries quite significantly, by 20% in each of the last two years. Now they have decided that libraries will be completely funded by the municipalities, with no provincial funding at all. This is part of the whole disentanglement exercise. The government maintains that this whole exercise is about a means of better providing the various services to the people of Ontario. However, it appears that it is more about providing the means to cut funding for various programs in order to pay for a tax cut. The tax cut will only benefit those who are already well-off in our province and the service cuts that are occurring will hurt those who are less well-off.

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We support the position that local communities are in the best position to determine the needs of its citizens, but to be able to act on this knowledge they must have the financial capacity. Many of our communities do not have this financial capacity without the assistance of the provincial government. Base funding provided by the provincial government helps to ensure more equity of services and programs across the province. Library funding definitely falls into this category.

We agree that municipal leaders will want to maintain the library budgets, but when faced with having to provide long-term care for seniors, child care and ambulance services, to name a few, we fear that libraries will take a back seat. And what are the chances of seeing an increase in any budget?

The cuts in funding already experienced have meant that some tough decisions have had to be made: for example, the bookmobile, a very much-used service in Oshawa, has been cut entirely for next year. The library in Alliston is now closed every Wednesday, Saturdays of

long weekends, two weeks in August and three weeks in December. We have further information about the number of libraries that have endured cuts. The municipalities have not had the ability to pick up the slack so far, and there is no indication that the downloading process currently under way will enable them to pick up the slack in the future.

Book budgets in many libraries are being cut at this time when much material is being updated at an unprecedented rate. This makes it even harder for our smaller libraries to keep current. If you think about the fact that when you have to buy one computer for a library, you cannot buy 166 books, they are being forced into deciding whether they will reduce the access, particularly an access to which they can have a user fee because of the technological aspect of the library.

Fund-raising is not the best solution to budgetary restraint. As we have seen in the school system, relying on fund-raising further ensures a two-class system. Those communities that have more ability to raise the funds can provide a better service. FWTAO absolutely deplores the need to rely on fund-raising in order to provide basic services.

Mushinski stated, "The new library framework proposes both to improve library service to the people of Ontario and to lower the costs for those services." This is exactly the same type of statement that we have heard from the Minister of Education and Training. FWTAO maintains that this is a completely illogical statement. You cannot improve a system by cutting its funding, especially resource-dependent systems like libraries and our education system.

FWTAO takes exception to the contention that representation from local school boards is a mere process-oriented requirement. The connection between the schools and the libraries is more vital than this. Two-way communications is logical between the library board and the school board. Both systems are involved in learning. When I think of the libraries I've spoken to, for example, they would talk to the teacher board members and find out whether they're studying Mexico or China and make sure they have the kind of materials in the libraries locally so that children in our school system can access those. That will be denied to our children.

FWTAO also supports the recommendation from AMPLO and others that the library boards be maintained as primarily citizen boards. AMLPO recommends that boards be required to consist of a combination of municipal council and volunteer citizen members. This would help to ensure that the library boards are at arm's length and that community involvement is maintained.

Democracy involves more than holding an election every few years. It means ensuring that everyone has the ability to be involved in the decision-making process at the local level as well as at the provincial level. It means that everyone is kept informed of decisions that are being debated. Part of the pattern of this government seems to be to put vital parts of bills into regulations rather than into the legislation itself. This means that changes can be made without public debate.

Bill 109 guarantees that no user fees will be charged for print materials, in a regulation. While we disagree with the distinction being drawn between print and other

forms of information, FWTAO adamantly disagrees with this being left to regulation. We fear that one day we will go to our local libraries only to find that a change has been made and we must now pay to even enter our public library. We do not believe this is a democratic way to govern our province.

The Minister of Education and Training, John Snobelen, has maintained that expenditure cuts can be made outside of the classroom without affecting the education students receive. He's also defined the classroom in a very narrow way, excluding school libraries, among other things. FWTAO finds it perplexing that the school library would not be viewed as an integral part of the education system.

We also find it perplexing that the community libraries are not viewed in a more serious manner. Our libraries are vital to the economic and social wellbeing of this province. Our libraries help to ensure and maintain a literate population. Lifelong learning cannot happen in a vacuum. Literacy is too important to be downloaded.

The minds of children and all our citizens are too important to waste. Bill 109 is shortsighted and mean-spirited. The innocent victims of this legislation are Ontario's children and adult learners, particularly the one in four living in poverty in this province. We urge this committee recommend to the government that Bill 109 be scrapped in the name of literacy.

The Chair: Thank you very much. We have about two minutes for questions, so I'm going to go to a single caucus again.

Interjection.

The Chair: For the previous speaker, when I wasn't here. We had a single questioner, and that was Mr Young. We go to Mr Gravelle now.

Mr Gravelle: Good afternoon, and thank you very much for your presentation. It's so important to have the link in a formal sense between the school system and the library system. I hope we have other presentations that do so as we go along. We won't have much time to discuss very many things, but it's an excellent brief.

The final point, in terms of the whole definition of classroom and libraries being outside the classroom, is something that a lot of us disagree with, but it also sets a tone and says something, an attitude. Probably some of the concerns we have with this bill are about precisely the same tone, which somehow degrades the value of the library system. Can you address that in some way as well? To me, and obviously to you as well, as to so many, there are few things more important than the library system, and the library system is part of the education system. I think those links need to be made and I'm grateful you've made them today. Anything more you can add to that, I'd be grateful.

Ms Sâdem-Thompson: The real concern for the Federation of Women Teachers' Associations of Ontario is that this is one more layer that's being added to the cuts imposed on the children and the learners in the province. If our school libraries weren't being closed, if our school block budgets weren't significantly reduced so that we have to decide, are we going to buy a computer for the classroom or books for the school; and then for those same children who can't get books on Mexico or China or trees or frogs in their school library because the

door is closed and there's no teacher-librarian there any more, when they go to the public library the hours have been cut so they don't have the access, and the staff has been cut, the pages, those young people who work in the libraries — and our young people, we know, have a high unemployment rate to begin with. The Oshawa library, for example, has had to cut its number of pages in half.

Those people can't help kids, can't help those children do the work they need to do well in school, can't prepare them for tomorrow. It's constantly an attack on little people and adult learners who want to improve themselves. I'm concerned about those issues on behalf of the Federation of Women Teachers' Associations of Ontario.

The Chair: Thank you very much for coming forward and making your presentation today.

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CANADIAN FEDERATION OF STUDENTS, ONTARIO

The Chair: Would Vicky Smallman please come forward? Good afternoon and welcome to the committee.

Ms Vicky Smallman: Thanks. Just to let you know, I'm here on behalf of the Canadian Federation of Students' Ontario component. We represent over 110,000 post-secondary students in Ontario. You may wonder, since many post-secondary students already have access to libraries, as Terence Young has pointed out already today, why we're taking an interest in Bill 109 and the proposed changes to public libraries in Ontario. We believe that public libraries are an important resource to Ontario's students. In my opinion, it is a vital component of our public education system, and that includes the post-secondary system. I'm extending the links that have already been made by the federation of women teachers and other speakers today into the post-secondary realm.

While students who are attending universities do have access to libraries, they offer a very different type of service than a public library does and different types of materials. As our post-secondary library budgets get cut back, they tend to lose what is perceived to be the more frivolous type of holdings — magazines, newspapers, journal subscriptions, some reference materials that are available to public libraries — so public libraries remain a very important resource to many post-secondary students in the province. As well, for college students, frequently the public library is the only resource that they have to do any type of research or projects or that type of thing.

It's also a very important point of access to information for students who may be pursuing programs at a distance from their institution. Particularly, and most frequently, they are the only source of information for students who live in remote communities who are either studying at a very small college there or are pursuing their programs at a distance. I know this government in particular is interested in distance education, so it's very important that we make sure that students who are pursuing distance ed have access to the types of resources they need. Many of these students do not have access to the Internet, do not have access to the type of technology that is so held up as the way of the future by this government.

Also, as we've already heard today, it's very important to provide access to texts for students for disabilities, particularly students who are visually impaired.

Our concern is that Bill 109 will dangerously erode access to public libraries for Ontario's post-secondary students and will correspondingly set up more barriers to access to post-secondary education for those students. In particular, I am thinking of students who come from low-income families, students who live in the north, aboriginal students, new Canadians and students with disabilities. Those groups in particular are those who already have a number of barriers facing them to post-secondary education, and those barriers will be increased by the erosion of the quality of our library system.

The downloading of the financial responsibilities for public libraries in Bill 109 could have a dangerous effect — and we've already heard this — on holdings. Post-secondary students don't just want public libraries. We want quality libraries, with up-to-date resources and materials, knowledgeable staff and reasonable hours of operation, especially for students who are pursuing degrees at a distance or students in remote communities. They often have full-time jobs and therefore rely on accessing libraries after the hours of their own work. As budgets get cut back and libraries have to shorten their hours, we find the doors to education in general are closed to people because they just don't have access to the resources.

Stable provincial funding and legislative guarantees of free access to all materials in circulation, not just the ones that come on paper, are very important for students. They protect students and members of the community from the imposition of user fees, which could limit access to those who can afford to pay. I've presented to this committee before about some of the financial barriers facing students right now. Increased tuition, mandatory ancillary fees, user fees for on-campus resources, including library services, are creating more and more barriers, are putting students under more and more financial pressure.

This is really shutting people out of our post-secondary system, and it's shutting out the people we most want to get an education today; that is, people on welfare, people who have low income, people who are supporting families, people who need to do retraining who are returning to the workforce, who have been downsized, or people in similar situations. Those are the people we want to be able to access education. Those are the people who actually use public libraries the most.

If we start to put more and more financial pressures on them, I think we'll find that they're going to abandon post-secondary education altogether. I think that's going to be very dangerous for the economic and social welfare of the province.

We also share the concerns of the other people who have spoken today about the loss of public control over the libraries, the loss of community input into library boards. The community does know what the community needs. The community also needs the reliability of stable government funding as well as local control over library boards as a kind of balance to make sure the quality of our libraries remains very high.

Also, I can emphasize that the library is much more to students than a place where they can go and borrow books or get access to information. They are an important centre in the community in terms of providing information about the community. My own public library is in Derwyn Shea's riding and I go there all the time. There's all kinds of information about what's going on and what resources in the community are available to us. That role as a community centre is really underrated, and we need to make sure that role is able to be continued.

It's also a gathering place. We've heard already today about the various groups that meet and hold events at libraries. That also cannot be underrated as an important part of the community.

It's also an important employer, to provide jobs for recent graduates or students who are trying to get by. That is becoming increasingly more important to people in my generation.

Also, we cannot underestimate the role public libraries play in lifelong learning, from children's story circles all the way to Internet access for the elderly. We're finding that libraries will be more and more important in the information age.

If we continue to download the responsibility for maintaining this on to municipalities, which are already overburdened with responsibilities and with decreasing budgets, we're going to find that this will have an impact on Ontario's ability to be competitive, on Ontario's ability to be a leader, not just in the economic sense but in the cultural and the social sense.

I'll end my remarks with that and see if there are any questions.

The Chair: Thank you very much. We have two minutes per caucus for questions.

Mr Martin: Thank you very much. It's always good to hear from you and to get, through you, the student perspective on some of these things, because I don't think there's any doubt in anybody's mind that the group you represent is in many significant ways the future of our communities. What we provide them by way of access to learning and resources is really important.

You talked about the interplay that goes on between the community public library and the institution library and how one supplements the other. You also talked about the negative impact any user fee will have on students, as they're already heavily burdened financially.

As you talk to students out there about this bill in particular — there are three pieces that have been brought before us today that are of tremendous concern. One is the new fee structure we anticipate and the fact that it will apply to the new media of learning; another is citizen participation on boards to control those; and the third is the provincial contribution. Which of those would be of greatest importance to students?

1700

Ms Smallman: Definitely the user fees will be the most important in the long run. I should add that we represent students at Northern College Kapuskasing and Northern College Haileybury, two very remote communities with very small colleges, and the colleges have very few resources. The students also are pretty hard up in terms of money, most of them being from the north and not having a lot of potential for part-time work and this

type of thing. The creation of more and more user fees at libraries in communities that do not have a lot of resources available to them anyway is probably the most important aspect to students right now.

But the loss of citizen input as well, and local control —

The Chair: Sorry to cut you off, but we're into the government caucus's time.

Mrs Munro: When you talked about citizen input, I just want to come back to the fact that obviously the responsibility of a municipal council in relation to the library itself is still very much there. I want to point out that although the issue of a library board is in question, the relationship with the municipality is there in terms of the accountability of those people who have been elected municipally.

Ms Smallman: I understand that dynamic, but the problem is that students, because they're a very transitory group, don't often have a chance to be involved in municipal elections and that type of thing and don't often have a chance to voice their concerns or get people in there who they think will represent their interests. Therefore, smaller boards, like library boards, are very important to them in terms of getting direct input into the mandate and direction of the library.

Mrs Munro: I'd like to come back to the issue you focused on particularly, that is, the question of user fee. During the course of the day, we've heard of a great variety in terms of the kinds of things that libraries are able to offer. One of those is of course the range of opportunity, which goes from the pre-schoolers' reading circle to the grade 3 student who needs to have a question answered to the technology potential to help small business, to become almost a research base in a much more sophisticated way than people have traditionally understood libraries to function.

Since nothing is free and everything is determined by the taxpayer, do you see any difference in responsibility if this is a community-driven decision for fees which would distinguish, not between material, but between use?

Ms Smallman: Actually, I don't. I think that people are already contributing a great deal to the library system as well as to our other public services through their taxes. If anything, the range of resources that the library can provide to me is argument for more funding, not less, because they are such a vital service to all aspects of the community.

Mr Gravelle: Thank you very much. I thought your presentation was just great.

As we start getting near the end of the day, you begin to get the shape of all the presentations coming together. There have been some real links; the tie-in with the women teachers and the tie-in with all the boards and everything else is pretty apparent. I'm getting more and more to think that what it's coming down to is literally about whether you value libraries in a certain way, whether you accept their importance and their educational connection. I think you made that point very well.

Perhaps that's what our job is, for those of us who feel that way, to try and convince the government not to be afraid of the citizen boards and to be very careful about user fees and look very carefully at provincial funding. I

really have no question, other than to thank you. If you've got any more you want to add at the end of this — I just think you hit a lot of points very strongly, and I'm very grateful.

Ms Smallman: I'll just add, to expand on that, that the CFS does not see the education system in neat little boxes like that; it's a holistic thing. From junior kindergarten all the way through the elementary and secondary system to the college system to the university system to adult education and lifelong learning, it's all part of the same whole, and you cannot really sacrifice one for other. You need to make sure that the whole system is healthy because that is the foundation of our society, the foundation of our province. If it's not working together as a whole, the rest of the province will not be able to work effectively.

It will be more and more important in the future, I think. You see it in everything. You've seen it the latest issue of the *Economist*. Everybody's talking about it, so it's time that this government and other governments take it as seriously as those of us who use the system have to.

The Chair: Thank you very much for coming forward and making your presentation to the committee today.

JANE MARSLAND

The Chair: Would Jane Marsland please come forward? Good afternoon and welcome to the committee. You have 15 minutes to make a presentation. If there's time left at the end, I'll divide it among the caucus members to ask questions.

Ms Jane Marsland: I would like to thank the members of the standing committee on general government for allowing me the opportunity to present my views and concerns with respect to Bill 109, the Local Control of Public Libraries Act, 1997. I'm speaking to you today from a number of contexts: as a reader, lifelong learner and frequent user of library services; as an active participant in a democratic society; and as a worker in the arts and cultural sector.

As a reader, lifelong learner and frequent user of the library services, I am very concerned about the withdrawal of provincial support for Ontario's public libraries and the resulting imposition of user fees on materials and services.

Mr Young: Mr Chair, on a point of order: I wonder if we could just ask, are you representing the Danny Grossman Dance Company or speaking as an individual?

Ms Marsland: I'm speaking as an individual.

Mr Young: Thank you. It appears here that you're —

The Chair: It's not a point of order, but it's fine to ask that, I guess. Go ahead, ma'am. Sorry for the interruption.

Ms Marsland: While I am now living in Toronto and have access to an exceptional library system, I grew up in a number of very small communities in Ontario, so I am very well aware of the inequities in the depth and breadth of library collections and services outside of the larger cities. I believe that provincial funding of Ontario's public libraries is essential, both to ensure that all the people of Ontario have equal access to library materials and services and to foster resource sharing and inter-connections among libraries across the province. Without

provincial support, libraries will be forced to operate in isolation and will be limited by the resources and political necessities of their local municipalities.

The withdrawal of provincial funding will lead to the pressure to introduce user fees on some materials and services. While I was pleased to see that there is still a regulation in place which protects the public's right to enter libraries and to continue to borrow print materials without charge, I was concerned that the principle was not part of the act but just a regulation, which can be changed much more easily. As well, limiting free access to only print items seems counterproductive to the new informational requirements of the people of Ontario. In particular, I think this will just exacerbate the gap between the children of the well-to-do and the poor for equal access to the tools required to take their place in a knowledge-based society.

From my own perspective, I recently started to learn the Ojibway language and culture. I decided to take the course not only because I was interested in it, but also because it was offered for free and I had no money to pay for some of the other courses I contemplated taking. The whole experience has been very enlightening for me, as up to this time I had never studied anything on which I couldn't find all sorts of study materials. Well, just go into any bookstore and try and find Ojibway language texts. The only place in this city that you can get them is in the native collection at the Spadina Road library. Learning a new language requires hearing it, and the new regulations would require charging a fee for the audio tapes. If any of you were to come to the Ojibway class you would immediately see that it is not filled with a lot of prosperous people, but it is filled with a lot of people who are very anxious to learn or relearn their native language and culture.

1710

At the same time, I learned how important it is to have trained librarians who are knowledgeable about special collections. While all the library staff and volunteers are very pleasant and try to be helpful, there were a number of times that only the librarian could help me understand the native collection and locate certain items I required. From my reading of Bill 109, it is very probable that there will be a user fee charged for this service. It seems to me that trying to replace the provincial cuts with user fees will not generate anywhere near the amount of being money cut and will only place an undue hardship on many people who are trying to relearn their cultural roots or on people who, through unemployment, must get information on learning new skills to survive in today's world.

It should also be noted that artists use the public library system to a great extent. Most of the time spent during the artistic process is in research. For many artists, who are already at the bottom of the economy in terms of their living wage, any imposition of user fees will just cause more difficulties in creating a work of art.

As an active participant in a democratic society and as a worker in the arts sector, I firmly believe in intellectual freedom. I believe that citizen-based library boards have maintained this tradition for over a century, so I greatly fear any change in the current arm's-length nature of the governance of public libraries. Library boards must

support the principle of intellectual freedom and must also have the freedom to set collection policies that ensure this principle.

I also believe that a strong democracy depends on strong civic institutions that actively involve citizens in a meaningful way. Arts organizations have always been accountable for their public funds through a board of trustees made up from the community. I do not see that the public libraries should be any different. Citizens who serve on library boards can also act as buffers to pressures from special-interest groups which might challenge the library's right to acquire and make available materials in accordance with its policies. Municipal councils could get bogged down in controversial issues without the benefit of an arm's-length relationship with the board of the public library. In terms of accountability, it seems clear in Bill 109 that municipal councils still retain the line-by-line approval of library budgets.

Also, without community-based volunteer boards, fund-raising will not be the option it could be to develop more revenues for library services. People are not likely to donate money to a library if they think it is just another department of their municipal council.

I would like to quote from R.H. Tawney, who was one of the founders of adult education and a great supporter of public libraries, which he regarded as essential for democratic life:

"The purpose of an adult education worthy of the name is not merely to impart reliable information, important though that is. It is still more to foster the intellectual vitality to master and use it so that knowledge become a stimulus to constructive thought. Also it is partly, at least, the process by which we transcend the barriers of our isolated personalities and become partners in a universe of interest which we share with our fellow men and women, living and dead alike."

That's one of the best definitions of community that I know, and it is why I believe so strongly in sustaining an excellent public library system for all of Ontario. A library is, as Jorge Luis Borges states, "The universe — which others call the library."

I would like to conclude my remarks by reiterating the two key amendments requested by the Toronto Public Library board on Bill 109:

The act must guarantee that citizen volunteers are the majority members on library boards;

The act must guarantee free access to all library materials: print, audiovisual and electronic.

I implore the government to reconsider its decision to phase out the operating household grant over a period of years and thus end provincial support to Ontario's public libraries.

The Chair: Thank you very much. We have about two minutes per caucus for questions.

Mr Shea: Thank you for your presentation. A couple of questions, if I could just ask you to walk through it with me. I have seen this quote or similar to it in two or three presentations today, as we speak of patterns that are emerging. Let me just take the quote in the fourth paragraph on page 2. "Citizens who serve on library boards can also act as buffers to pressures from special-interest groups," and on it goes.

The first question I'd like to ask you to put your mind to is, why should they be buffers? Surely men and women are elected to represent their municipalities, the whole range of the municipality. Why should there be a buffer between them and their community, first of all? Second, what sort of issues did you have in mind that you think the council should be buffered from?

Ms Marsland: Censorship, primarily. My major concern is censorship.

Mr Shea: Councillors would be less capable of dealing with the issue of censorship than —

Ms Marsland: Censorship in itself is a very difficult issue, and for people who are elected to office to get involved in that kind of skirmish — you're going to have pressures from both sides of the issue. The major reason I raise it is, in a democracy, the whole idea of intellectual freedom and tolerance. While some people might object to certain books or ideas, I think in a strong democracy they should be available to everybody.

Mr Shea: In your mind, there are issues that the directly elected representatives should probably not be involved in directly.

Ms Marsland: I think it makes it very difficult. I think it's a discussion that the citizens of the community are probably better able to deal with.

Mr Shea: I noticed your comments about your concern that if you're not very careful, in terms of fund-raising a community may look upon the library as just another department of the municipal council. But in some ways, is that not the case already? Does council not have to decide how much funding will go to the library board, how much funding will go to sewers, how much will go to the fire department? Don't they have to do that now?

Ms Marsland: When I'm talking about fund-raising, I'm talking about people donating privately, over and above that. In most instances, people want to make sure that when they are giving funds to anything, not just the library, that there is an independent board of trustees overseeing those moneys. I could be wrong, but in legislation, if you are doing fund-raising you would have to be incorporated as a charity, and I don't think you can if you're totally connected to the government.

Mr Gravelle: To follow up on the point Mr Shea was making, and it's been made before, when you have a library board there is a number of advantages to having majority citizen participation on library boards, and one of them is the fund-raising aspect. You get people who are very devoted to the library, for a number of reasons and, you're right, it is arm's length so there is a separate relationship. One worries about the whole volunteer component, fund-raising being just one element of it, if indeed there is no citizen involvement on that board, which is possible. I think it's a very good point.

You also make the point about user fees. One of the great concerns is lack of access. Obviously, you made that point very sharply in terms of the fact that people who have a lower income for a variety of reasons might actually use a library more often, but if you have user fees in certain places, in terms of the non-print material, you're going to have a problem.

I found your brief very helpful and I'm grateful. If there are any comments you want to add, please feel free, but I think you hit a lot of the important points.

Ms Marsland: Primarily, the worry that a lot of people have expressed today is the fact that there are so many things now that require additional funding or additional user fees that it is getting very difficult for people, especially families and people of lower income, to be able to provide the kind of education and entertainment, because it's also that. A library is really a centre, in many communities, that's very important for a lot of people at every level of the socioeconomic scale.

1720

Mr Martin: I want to thank you for coming forward and telling us your story. I think you are the first user — although everybody who came was a user of the library, your sole reason for being here is to share with us how you use the library and how what is happening here will impact on you as a user of the library for the purposes you have outlined.

It's kind of tragic that your story really doesn't in any way connect with what this legislation is about. This legislation is about nothing less than a downloading of the cost of doing business by this government on to municipalities and then turning over to municipalities some of the tools they will need in order to themselves download on to libraries a reduction in the money spent on that resource, all so that at the end of the day, this government can turn over to the richest of our citizens a tax break so they can go out and buy their own books and their computers and access the Internet, without any concern at all about the fact that this will diminish the ability of people like yourself to have access to the information you need to better yourself, the information that's needed in every community so we can all be decent and civilized and learn and grow and contribute in the way we want to, if we want to live up to our potential, if we want our communities to live up to its potential. How does that make you feel?

Ms Marsland: It bothers me a great deal in the sense that I know a lot of people who are having increasing difficulties because of being unemployed, because of all the increasing cuts. As another personal perspective, our company is only employed six months of the year and the rest of the year we're on unemployment insurance, so it makes it very difficult. Any more user fees just cuts out — as I said, an enormous amount of the artist's work is involved in research, and they use the library system for that. It makes it very difficult.

The Chair: Thank you, Ms Marsland, for coming forward to make your presentation today.

AL FIORINO

The Chair: Would Al Fiorino please come forward? Good afternoon, Mr Fiorino. Welcome to the committee.

Mr Al Fiorino: Thank you very much. First of all, I would like to thank the members of the committee on general government for this opportunity to comment on the proposed bill regarding the local control of public libraries. Despite the fact that this bill may be overshadowed by Bills 103 and 104 in public discussion and debate, I believe it represents an historic development in its implicit recognition of local governments' direct responsibility in ensuring that in a knowledge-based

society every citizen has free access to the ever-growing stores of information being amassed.

In a knowledge-based society, accessibility to information is not simply a privilege of the few but a need of the majority. If individuals are to be successful in today's ever-changing economic markets and rapidly changing cultural landscape, they need to have quick access to the information tools and resources to facilitate effective engagement and accommodation.

The handing over of complete control of libraries to the municipal governments is also a recognition that in rapidly changing socioeconomic environments a community's information needs can best be ascertained and met at the local level. The onus will be on local municipalities to provide the required funding to cover the basic capital and operational expenditures of the different library systems, and to develop other support structures by which to secure funds to cover any shortfalls in program areas deemed worthy of continuance or implementation but for which moneys are not available. I will come back to the latter point further on in the presentation when I consider the Bill 103 amendments.

The creation of a highly productive economic society in Ontario is basically the prime goal of this current government. To accomplish this, the government has set out for itself an impressive agenda of measures by which to reduce our deficit and debt load, encourage consumer spending, increase our credit rating in the international community and achieve economies of scale in the way we conduct business in the public sector throughout the province. This agenda of laudable initiatives is certainly reflected in changes introduced by way of Bill 109, particularly as these fiscally responsive measures are applied to the rationalization of the government of large municipalities such as those of cities found within the greater Toronto area and region.

The improvement of management practices over the last 40 years and the numerous developments in both the field of data processing and the area of telecommunication technology can permit us, as we move into the 21st century, to establish very lean, highly centralized and cost-effective administrative units by which to manage the needs and services of large municipalities. At the same time, they provide us with an opportunity to develop regional community infrastructures that are smaller in scale and more personal and thus more responsive to local needs and concerns. I believe that Bill 109 and the amended Bill 103 do exactly that.

What Bill 109 does is to give exclusive jurisdiction over libraries to the democratically elected municipal councils throughout the province. In the case of the soon to be amalgamated cities of Toronto, York, Scarborough, East York, North York and Etobicoke, this authority will rest with the council of the city of Toronto to be elected during the next municipal election in November 1997. It is the responsibility of these councils to appoint local library boards. In the new city of Toronto, it will be one of the first duties of the newly elected council to establish a library board, the largest in Canada, that will oversee 95 branches which together currently have operating budgets totalling approximately \$120 million.

What the amended Bill 103 does is to set the stage for the establishment of local community councils and

concomitant infrastructures in each of the currently existing municipal jurisdictions to act as political vehicles for local input and participation. The amended Bill 103 has the potential of facilitating the establishment and development of supportive infrastructures unique to each amalgamated jurisdiction for the various service and/or program areas. In the case of libraries, the amended Bill 103 allows the council to create a variety of valuable links and organizational units in designated areas within the amalgamated jurisdictions. I suggest that these links and local organizational units should include:

(1) A district or area chief librarian responsible for all management functions with respect to one designated sector of the newly created library board and reporting directly to the chief officer of the library board.

(2) A local library advisory board or council consisting exclusively of local citizens from different sectors of the community and whose main mandate would be to advise the local community council on local library needs and concerns. It would act as an advocacy group.

(3) Representation on the library board for the city of Toronto in the person of the chair of the library advisory council or board.

(4) Representation on the library board for the city of Toronto in the person of two council members from each jurisdiction.

(5) A library partnership group consisting of neighbourhood volunteers from both the public and corporate sectors of the community who would lend support to local libraries in such areas as community program implementation and fund-raising.

The above examples are just a few of the many possible links and organizational units that the transition team established by Bill 103 should consider to ensure that in the end the harmonization of local interests, needs and services with the purposes of Ontario's library systems is achieved.

The library partnership group proposed above could play an important part in spearheading the fund-raising activities of local libraries. Fund-raising projects undertaken for the procurement of special resources and for the financing of unique programs would come under the purview of this body. The group could also be responsible for exploring the feasibility of establishing an endowment fund for the local library as a means of generating additional financial resources for the support of special capital projects or for the delivery of special programs.

Bill 109 gives the authority to determine the composition of the library board to the elected members of the municipal councils. The only recommendation that I would make with respect to the matter of the composition of the library board is at the very least the newly created library board should consist of equal representation from each of the currently existing municipalities in the form of one councillor, one member of the community council, and the chair of the library advisory board or council proposed earlier, for a minimum complement of 18 members. It might also be wise to supplement this number with the appointment of an additional citizen at large from each of the currently existing municipalities, for a full complement of 24 members.

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Free access to basic library resources and services: I support municipal regulation 14, which continues the long-standing tradition of free access to such basic resources and services as "admission to library, borrowing by residents of books and other printed materials, and borrowing by or for residents with a disability of materials especially formatted for that disability." The new regulation allows libraries to charge for additional services. I believe that the different library boards should be granted complete discretionary powers in determining what user fees they should levy and for what services beyond those stipulated in the Municipal Act. This view is consonant with the direction of this government to give complete control over libraries to local municipal governments. Any excesses or deviations can always be held in check by the elected members of municipal councils.

The treatment of human resources: Public sector systems are service-based organizations whose most important assets are the individual human beings that deliver the services. It is imperative that during times of rapid institutional reform every effort be made to reduce the negative impact such change may have on all organizational participants. We are living through times of unprecedented, rapid change.

Technological developments and innovations, which are facilitating downsizing initiatives in both the private and public sectors, are not generating the millions of spinoff jobs that had been predicted in the early 1980s. Instead, an opposite phenomenon is occurring; namely, traditional labour markets are significantly shrinking, causing havoc in the lives of millions of displaced, marginalized workers and contributing considerably to the high unemployment rate we are presently experiencing.

We have reached a point in history when large corporations and public sector organizations must act more responsibly when dealing with their human resources during times of organizational change and restructuring. They must realize that their employees are also consumers, taxpayers, human beings and important partners in the successful management of our economic life. The government must strive to make its human resources part of the solution to its restructuring process.

With respect to Bill 109, as well as in the implementation of other reform legislation on the agenda of this government, it is hoped that the affected human resources be treated with respect, equity and with the utmost consideration as we proceed to fine-tune and restructure our institutions. It is hoped that the consolidation of union and non-union employees in the newly created library board for the city of Toronto and in other large jurisdictions in the province will be conducted with a view to ensuring that the seniority and benefits of employees are protected and system dysfunctions kept to a minimum.

At the end of the day, when everything is said and done with respect to the proposed institutional reforms, what is of paramount importance is that the people of Ontario, in the roles of either service providers, library clients, taxpayers and/or stakeholders in the future of this great province, feel that their respective interests have been dealt with fairly and equitably. The government has

an opportunity to demonstrate that people do count and constitute an essential variable in the political and economic equations aimed at bringing about more efficient and effective government in the province.

With respect to the Ontario library network and other links, I was pleased to read about the government's intention to continue its involvement and funding of the Ontario library network and of its initiatives to refine and expand our electronic links to global networks of information. These support initiatives will greatly enhance the capacity of our library systems and, by the same token, of all Ontarians to have access to the most current information available worldwide. The next logical step is to complete the internal provincial links by directly connecting our primary and secondary schools electronically, not only to these global links but to our library systems as well.

Finally, I am impressed with the extent of this government's legislative agenda and in particular with the direction Bill 109 is taking in its reform of our library system. I am confident that the government will act equally judiciously with respect to other bills. While short time lines are the order of the day in rapidly changing environments, it is the ability of decision-makers to respond quickly to change by modifying their goals and repertoire of strategies and tactics that will in the end ensure survival and thus provide another opportunity to reset the time frames.

The successful navigation of this province and its people through this extensive agenda of legislative reforms in an already turbulent sea of technological and social change requires immense reserves of resilience and steadfastness not only to set goals but also to people. It is hoped that this government will continue to demonstrate these qualities while achieving its agenda.

The Chair: Thank you very much, sir. We only have about a minute for questions, so I'm going to give that to Mr Gravelle.

Mr Gravelle: Thank you very much, Mr Fiorino. Clearly, you approve of what's going on with Bill 109, but generally the government's agenda. You've been here for part of the afternoon. Have you heard any other —

Mr Fiorino: I only got here about an hour ago, so I was not available during the afternoon.

Mr Gravelle: Do you have any comments in terms of Bill 109 about how it might affect libraries outside Toronto? You obviously were talking in terms of Metro Toronto. I'd be curious as to your thoughts in terms of the library system outside Toronto.

Mr Fiorino: Just as it has been in the past, the major responsibility will be with the municipal councils. As someone who has sat on the library board within Metro, I realize that at the end of the day the key players on the library board were the members representing the local council. This will not change drastically with the passage of Bill 109. Consequently, I think it will be up to the local municipal governments to prioritize and to decide for themselves how much should be allocated to the budget to meet the library needs.

What Bill 103 does, especially within Metropolitan Toronto, is provide the vehicles for the mobilization of local advocacy groups to provide input in terms of the decision-making process at the municipal level.

The Chair: Thank you, Mr Fiorino, for coming forward and making your presentation today.

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PICKERING PUBLIC LIBRARY

The Chair: Would Jill Foster please come forward. Good afternoon, and welcome to the committee.

Ms Jill Foster: My name is Jill Foster. I'm chairman of the Pickering Public Library board of trustees. I'm here to plead for changes to Bill 109 regarding local control of public libraries, revisions that will protect and enhance library service in Ontario.

Let me tell you a story about one of our 60,000 customers in Pickering, a municipality of some 80,000 people. Miranda Pheasant — it's not her real name; I've changed her name for reasons of privacy; I'm sure you'll understand — is 16 years old. She uses the library to research school projects on CD-ROM and through the Internet, to borrow books and videos — all the usual things one would expect and hope a teenager would do. Miranda's parents run a small business in our community. They use our library service to do research for their company, to keep up-to-date on the latest developments. And of course the whole family reads for pleasure.

A few weeks ago Miranda's parents visited our library CEO, Sandy Cameron. They wanted to thank the library system. They told him how important the library is to Miranda and to them. You see, Miranda is a typical teen, but she is confined to a wheelchair. Her parents credit the public library for opening up a world of possibilities to their daughter. It is a place where she can meet members of her community and share, on an equal footing, all that is happening in the world around her. For that, the Pheasants are extremely grateful.

This is what local public libraries should be. In a world of shopping malls, cocooning and commuter lifestyle, it is the last community space, a community place where you can share information, meet a neighbour, introduce a child to a new book and find out the answer to whatever question is on your mind. Barriers of physical ability, geographic location and financial means have no standing at the public library today.

Imagine a world where Miranda and her parents can only access some information. Imagine a library where data on the latest developments in the Pheasants' therapy business are available only through electronic means, so they have to pay. Imagine a library where obtaining the librarian's assistance in research has a pricetag. Imagine a system where the quality and breadth of Miranda's research for school projects is limited by how much money she has in her pocket.

Bill 109 includes a statement of purpose that celebrates the public library's traditional egalitarian values and inclusiveness. The purpose statement is clear and helpful. Its underlying spirit implies that Miranda and her parents may continue to use the library for their educational, research and recreational needs, but Bill 109 stops short of ensuring that they will have access to all the information and assistance they may require. The reason I am here today is to ask for revisions to the new act that can only strengthen the resolve of that purpose statement.

Last week an important new initiative for Ontario public libraries was launched. As you've heard already today, Network 2000 is a partnership between the private sector, the public library community and relevant provincial ministries. Ministry of Citizenship, Culture and Recreation Deputy Minister Naomi Alboim addressed the crowd on behalf of Minister Marilyn Mushinski, who was tied up with legislative affairs last week, as you all were and continue to be.

Ms Alboim stated, "In this age of high-technology and knowledge-based economies, Network 2000 will help place our library community firmly on the leading edge in providing electronic information." She went on to say on behalf of the minister: "As a part of our new focus, we are placing great emphasis on library networks such as this one. We want to make the networks even more accessible and more useful to library users." Indeed, an accessible electronic highway is a fundamental requirement for the development of the province-wide long-term library strategy called One Place to Look.

We can all agree that the electronic delivery of information is here to stay. One might successfully argue that the Internet will have as profound an effect on the dissemination and delivery of information as Gutenberg's printing press did 500 years ago. Many government documents and research are now available solely through electronic means. It is essential that our public libraries stay in the forefront of that technology. That is why last week's Network 2000 launch is so important.

Having accepted all these truths to be self-evident, I am at a loss to understand why the new library act excludes electronic information and basic user assistance in its definition of free core services.

In that same speech I referred to, the deputy minister asserted the ministry's view that "In our new information age, libraries have indeed become far more than the repositories of books they were a century ago." She went on to underscore the importance of our public libraries and these new technologies: "This way...the libraries of the future will continue to play a key role in nourishing Ontario's well-educated and literate workforce...indeed, one of our greatest assets."

Clearly, the minister and Ms Alboim understand the important role public libraries play in individual and economic growth for Ontario. All levels of government are looking for ways to increase employment. Men and women expect to retrain for several jobs over their careers. The number of people employed by small businesses is growing. More and more people are self-employed.

According to research conducted by AST Computer Inc, a member group of Network 2000, there is a minimum of 100,000 small home offices called SOHOs — that's for small office, home office — in Ontario today. AST estimates that each SOHO uses approximately \$500 worth of value from public libraries per year. We could charge such users and make it harder still for these men and women to make a go of their businesses, or we can find the means to help them and fuel Ontario's economy in the process.

As taxpayers, we understand the need to reduce government costs. We must find more efficient and

effective way of doing things. We must decide which services have priority and agree to protect them.

Two years ago, the public libraries in Durham region began meeting to discuss, among other things, partnerships to cut costs. Other Ontario municipalities have negotiated shared space and staffing with local boards of education. The combined public and school libraries in Oakville, Etobicoke and Cambridge are excellent models for making the tax dollar go farther. They have also demonstrated that public libraries operate best when they are not isolated and insulated by municipal borders.

Partnerships such as these between various municipalities and levels of government, as well as Network 2000 partnerships with the corporate sector, are examples we can use. They provide a framework for the future that does not challenge the basic principles of the public library system as we have known it.

Ontario's public libraries are the province's informal education system. They provide the basic infrastructure needed to share information. The electronic highway envisioned in the One Place to Look strategy, and promised with the launch of Network 2000, are vital components in a province-wide communications system. This system will provide increased and improved access to information that will not only give us a competitive edge in a knowledge-based economy, it will connect us to the world.

This is an ambitious and exciting vision, a vision of all communities across Ontario linked together through the public library system; individuals in even the smallest village able to access the latest information through the local library; electronic links with school libraries. It's a breathtaking possibility. Let's not build barriers against such a dream. If individual municipalities are able to charge for the use of electronic information, then there will be some citizens who cannot be part of this future — another hurdle for our neediest citizens to jump. That is why I believe that access to electronic information and basic reference service must be included in the definition of core services that will remain free.

I also agree with the view that a system of provincial grants must be maintained so that all communities in Ontario can have equal access to our dream. Here is what we need: free access to information — information in any format — and a top-notch communication system. These are essential tools to help Ontarians compete in the world economy. It is a service we have the means to provide and we can provide it in every corner of the province.

1750

Local libraries, run by volunteer boards, truly can be the community place where Miranda and her parents can join their neighbours, read a book or reach out to the world beyond. Local libraries that include books, vertical files, pamphlets and CD-ROM and the Internet can provide nine-year-old Emma and every other grade 4 student with enough information material to research medieval castles. At the same time, they can provide her mother with the information she needs to write a résumé, plan a job proposal or research how many other districts have managed a particular problem.

Local libraries must provide that vital link within the community and the world beyond. There can be no other

future for libraries in today's fast-paced, knowledge-based society.

The Chair: Thank you very much. We have just a minute and a half for questions, so that goes to Mr Martin.

Mr Martin: Thank you very much. I like the way you connected the story to what's happening here, because it is connected. It has to be connected. If it's not connected, what we're about here is a farce, and I think you were very effective in making the point that if we're going to take advantage of all these exciting things we are already developing, we need to make sure people can access it so it can reach its potential.

It's interesting that your concern echoes the concern raised earlier today by the Ontario Public Libraries Strategic Directions Council. They're the people who were charged with putting this together. They were the people this government invested in to develop this new technology and to imagine what the year 2000 might be like if we're really plugged in. Earlier, it was referenced that there was a healthy investment made. It seems to me that if we don't allow further access and if we cut back, the way we are in this bill, on the operating money for libraries to actually use this, it's all for naught. What would your position on that be?

Ms Foster: My position on the fact that there is already money invested?

Mr Martin: And that we're now going to put impediments in the way of people actually participating.

Ms Foster: I think I've been very clear on what my position would be. I believe that access to information in any form is an imperative, as many of the speakers I've heard this afternoon have suggested. We are moving into a new age and information will be available electronically, more readily perhaps than in any other form in the future, certainly more quickly. To limit access to that information I believe is shortsighted, and I believe we'll be sitting here in a few years re-examining that position just because of the nature of the world we live in.

I'm sure that all of our experience on the day to day is that we use more and more frequently e-mail, the Internet, all of those things. It is no different in the public library, nor should it be. I would even go so far as to suggest it's the one place where we should be in the forefront with that kind of technology to allow all our citizens access to those kinds of things that can put us in the forefront of the world economy.

The Chair: Thank you very much, Ms Foster, for coming forward and making your presentation today.

EAST YORK PUBLIC LIBRARY

The Chair: Would the member from the East York Public Library please come forward? Good afternoon. Welcome to the committee.

Mr Bill Buckingham: Thank you, Mr Chair. I assume all members of the committee have been given the brief on behalf of the East York Public Library board and our 55,000 cardholders. I guess, speaking this late in the day, you've probably heard it all.

Mr Flaherty: It's early for us.

Mr Buckingham: Midday then. You've probably heard many of the positions that the East York Public

Library is going to take, so there's probably not a lot of new information we bring forward, but, in summary, there are three things we would like the committee to consider with respect to Bill 109: (1) that operating grants to the Ontario public libraries be retained; (2) that freedom of access to all library materials be guaranteed; and (3) that the volunteer citizen-majority library boards be mandated.

I go back to a situation a couple of years ago, when I did extensive travelling in the US. At the point when I was down there, *Fortune* magazine came out with an article and rated all municipalities in the world as to what balance they have between the existence of economic conditions for business to flourish and the quality of life of the population of the municipalities. I was very pleased when it came out, being in that environment, to see Toronto rated number one in the world in this respect. The current situation as of last year when they did it was that Toronto was world-class. More than world-class; we outranked everyone.

I think the Toronto Metro libraries had a part in that situation where we were rated number one. Certainly the libraries promote lifelong learning and that enhances our businesses, many of which are now competing globally. Certainly quality of life to the citizens of Toronto — and I don't say the city of Toronto or even Metro Toronto; I almost refer to it as the GTA — with the different services that we now offer through public libraries and programs, we have contributed to the quality of life of the population.

Many members of the committee here, in your previous lives before you came to Queen's Park, have had municipal experiences and school board experiences. Out of the 14 permanent committee members, six of you have had municipal experience and three school board experience, so I'm sure you're familiar with the value of municipal library boards in your different communities.

It's somewhat inconsistent, I think, that at this point — thinking back probably to when you decided to run for public office, to seek the nominations of your respective parties, did you decide: "Yes, I want to get to Queen's Park and one of my priorities is to abandon the Ontario public library system. Let's cut the funding. Let's establish restrictions of access and let's potentially kick all the citizen appointments off the boards. Let's radically change a system that's worked well for a hundred years"? I don't think any of you can really say that's one of the priorities you had when you decided to come to Queen's Park. So I ask, what's gone wrong? Where have things gone off the tracks for members of the committee and potentially the Legislature?

Let's take a couple of our positions. I'll refer to funding. The provincial government probably funds a very small percentage of the overall operating budget. In the case of East York it's only 7%, or \$200,000. That comes after a 10% reduction since 1993. During the times of economic hardship we have experienced throughout the 1990s, we have seen that as the economy gets tougher, our circulation and the demand for libraries increase. So our circulation has gone up in this time. We're just barely holding together now. A further 7%, in our case \$200,000 of the millions of dollars you want to

take out of the provincial funding, will be very tough on our community, and I'm sure as you travel the province, you're going to find out many communities are in the same boat as the borough of East York.

You might say: "It's not that much. It's only 7%. You can find that. We're not a great contributor to the library budgets right now anyway." I want to just offer my perspective on setting budgets. I was on municipal council in East York for two terms. I was chair of the budget subcommittee, so I've known all about trying to balance budgets and trying to put all the competing demands and match that to revenue base, which doesn't seem to be growing much these days.

The numbers are smaller in our municipality, in East York, but the principles remain the same. We had a budget of \$55 million and we gave \$60,000 to different organizations — sports groups, social services — none of which got probably more than 10% of the overall budget. So it wasn't critical that we gave them the money; they would have survived somehow. But it gave a statement. The statement was the municipal council, in this case the government of Ontario, gave moneys to these organizations because they valued what they do.

1800

I'm suggesting that the Legislature, the government of Ontario, should continue direct funding to libraries because they value what they do in their own right. They deliver something to the citizens. Everyone at our council at that point was of the same opinion. We did what we could. One of my committee members at that point left to go on to other pastures. He was Mayor Dave Johnson; he's now Minister Dave Johnson in the government. That's the way we operated in East York. We operated that times were tough, money was scarce, but what we valued we gave money directly to.

I'm suggesting if you value public libraries for their own sake, what they've contributed to this province for a hundred years, you continue direct grants to libraries. You might say, "Let's cut the grants and put in some user fees." I think this government, in fact the Legislature, should value equality of opportunity. Why put restrictions on the opportunity for those to read, to learn and for the opportunity of personal growth? I think user fees are the wrong way to go. You might say that you're guaranteeing all print materials, but in the 1990s there are lots of materials that we offer in public libraries throughout the province that are non-print, as technology changes. So it's really, do you value equality of access to information?

Third is the issue of governance. There have been citizen appointments to libraries of Ontario for over 100 years. The act is somewhat deficient in that it doesn't give any guidelines. It says, "There shall be a board." There's no structure. Right now, there's a minimum of 9, I believe, and a maximum of 15. It's saying: "Let every municipality go its own route. Do what you can." Maybe some will value it; maybe some won't. We would like to ask for an amendment that guarantees that citizen volunteers constitute the majority of members of the library board. For those who are encouraging volunteerism throughout the province of Ontario, and I hear it many times from the Legislature, I think it's inconsistent with what you're trying to do, encouraging volunteers, especially in the social service groups.

I might say the argument that says we need to put a majority of councillors or municipal appointments from the elected council on the board to guarantee wise expenditures — right now control of the budget exists, on a line-by-line basis if necessary. In East York our board has appointed one or two members of council out of nine, and it has worked well. I think we have delivered, from my perspective, value to our citizens and I feel that just abandoning the citizen appointments is not the right way to go.

Mr Chair, as I said, it's a long day. I said it was almost over. I was corrected; it's only half over. That's the extent of our deputation. We have issued a position paper, a brief that came through our board, but I just wanted to elaborate on why we feel there are three important amendments that should be made by this legislative committee.

Mr Gravelle: Mr Buckingham, thank you very much. I think you really hit the nail on the head in terms of the whole concept of value. By basically not supporting the libraries in any form at all in terms of provincial involvement financially, there's a statement. You can't deny it. As you stated also, at the beginning of the process too, you take something that absolutely works and is number one and then you just sort of pull it apart.

I think it's important, as you probably realize — I don't know what time you got here, but there has been a pretty common theme in terms of the major recommendations or amendments that have been made by the presenters today. I think certainly the point is being well made and I hope is being listened to by the government members. I was struck particularly by your whole sense in terms of imparting value. I thank you for that and for making the point. If there's anything more you want to say in that regard, I think it would be useful. We've just got to make that point as strongly as we can.

Mr Buckingham: Thank you, Mr Gravelle. The only thing I'd like to add is that a government structures itself either by what functions have been given to it by the Constitution or what sort of things you value to deliver to the population. If you don't value libraries and if you don't value culture and recreation and things like that, I ask, why have a ministry? Why put that infrastructure in place?

Mr Martin: Thank you very much. Given the focus of your presentation and the recommendations, it is good that you're the last presenter today, because you sum up what I think we've heard today. We heard a number of really serious and well-prepared presentations. We heard stories from people, we heard some really exciting technical presentations, we heard from folks directly involved in delivery of library services, and all of them had a fairly common concern. We also know that there is a whole pile of people out there in Toronto who didn't get to come today, so you're speaking on their behalf.

We made a motion this morning — Mr Gravelle presented it, and I supported it — to extend these hearings for another day so we could hear from some other people. From what I understand, there were 68 requests made to present here in Toronto, and we were able to accommodate only about 27 of those. There is some genuinely sincere and widespread concern about this issue

out there, because libraries, like hospitals and schools, in communities are vital to the health and wellbeing of those communities. I want to thank you for coming.

Mr Flaherty: Thank you, Mr Buckingham, for the presentation this afternoon. We heard a lot about that Fortune magazine article in the Bill 103 hearings. I don't think the article mentioned East York, which I mention parenthetically; it was Toronto that was referred to.

Having said that, when you say if we value something, "we" being the government of the province of Ontario, we should pay for it or we should contribute to it, I have a lot of trouble with that, because there are all kinds of services that municipalities are responsible for in Ontario that we value and that we don't pay for: police services, fire services, water services and so on. So I think that can't be the applicable test, because I hope municipalities are not delivering any services that are valueless or that we would not value at the provincial level.

More important, though, I'm looking at the big picture. When I look at the history of libraries and the development of libraries in Upper Canada and then in the province of Ontario, what I see is originally libraries developing in the school system — it wasn't a system — in the little schools. Ryerson promoted that in the middle of the last century. Then we move in the latter part of the last century, the 19th century, into free public libraries, the first bill, which did not pass, having been introduced in 1852 by a Conservative in this Legislature, and subsequently in 1882 the first public act passing. But the history from that time forward all through this century, more than 100 years now, is of municipally controlled public libraries; not provincially controlled, but a municipal system, municipal governance, municipal funding, and that is what this act enhances, it seems to me.

If municipalities are paying more than 85% of the cost on average in the province, 93% you say in East York, if municipalities are responsible for their local libraries in the budgetary way, as they have been and will remain,

then I'm sorry, I can't follow your logic that somehow the province should impose on municipalities various standards with respect to the nature of the composition of the board.

The Chair: Mr Flaherty, would you wrap up.

Mr Flaherty: It seems to me if they're paying the bill, the municipalities should be making those decisions, not that you couldn't make those submissions to East York council, that you should do this or you should do that or you should continue with independent citizen members or whatever. It seems to me that's the level of government those concerns should be addressed to.

Mr Buckingham: Of course we have extensive conversations over budget times and an ongoing, very close relationship between the library board and East York council. It has worked well in East York, and I think as you go around the province you're going to see that Ontario public library boards and the respective local councils have worked well. I'm asking, what is the necessity to change what has worked well? We've had 100 years of things that have delivered services, have delivered value.

For 100 years the province has said, "Yes, we give a certain percentage" — a small percentage, but a certain percentage — "directly to library boards." It's what has happened, surely. It's the household grants. I've been there on the library board and I've been there on municipal council, and I've seen it from both sides. Out of 100 years, sir, your party has been in power a lot of that time. Until this year the government of the day and the Progressive Conservative Party have continued to support libraries in this way. What has changed in 1996 to break that tradition?

The Chair: Thank you very much, Mr Buckingham, for coming forward and making your presentation today.

The committee is going to be in recess until tomorrow at 9 am.

The committee adjourned at 1813.

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Library Workers Committee	G-3602
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Ms Janet Walker	
Ms Thea Adams	
Ms Christina Duckworth-Pilkington	
Friends of the South Dumfries Public Library	G-3604
Mr Geoffrey Snow	
Ms Monique Dull	G-3606
Federation of Women Teachers' Associations of Ontario	
Ms Maret Sädem-Thompson	
Canadian Federation of Students, Ontario	G-3609
Ms Vicky Smallman	
Ms Jane Marsland	G-3613
Mr Al Fiorino	G-3615
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Official Report of Debates (Hansard)

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Mardi 8 avril 1997

**Standing committee on
general government**

**Comité permanent des
affaires gouvernementales**

Local Control of
Public Libraries Act, 1997

Loi de 1997 sur le contrôle
local des bibliothèques publiques

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Tuesday 8 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Mardi 8 avril 1997

The committee met at 0900 in the London Convention Centre, London.

LOCAL CONTROL OF
PUBLIC LIBRARIES ACT, 1997
LOI DE 1997 SUR LE CONTRÔLE LOCAL
DES BIBLIOTHÈQUES PUBLIQUES

Consideration of Bill 109, An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level / Projet de loi 109, Loi modifiant la Loi sur les bibliothèques publiques de façon à situer à l'échelon local les pouvoirs, la responsabilité et l'obligation de rendre compte concernant la fourniture et la gestion efficace des services locaux de bibliothèque.

LONDON PUBLIC LIBRARY

The Chair (Mr Bart Maves): Good morning, ladies and gentlemen. Welcome to the standing committee on general government and consideration of Bill 109. It's nice to be in London.

Our first presentation this morning comes from the folks of the London Public Library board. Welcome to the committee. You have 15 minutes this morning to make a presentation. If there is some time left at the end of your presentation, I'll try to divide it among the three caucuses so that they might ask some questions.

Ms Anne Marie DeCicco: Thank you. We appreciate the opportunity for being here. My name is Anne Marie DeCicco. I'm the chair of the London Public Library board and also one of two members of city council who were appointed to the board. With me is our vice-chair of the library board, Quintin Lang, and our chief executive officer, Mr Reed Osborne.

We appreciate the opportunity to address Bill 109 on behalf of the board and we would like to begin by addressing the issue of bylaws and governance. Section 6 of Bill 109 specifies the content of the municipal public library bylaw. The London Public Library board supports the provision to retain library boards and is pleased that the contribution of volunteer board members continues to be valued by the government.

Bill 109 has as its goal the devolution of control of public libraries from the provincial level of government. In achieving this goal, part I of the Public Libraries Act, 1984, is largely repealed and most of the content of part I is transferred to local government to deal with as it wishes. Although this is consistent with the theme of Bill 109, we suggest that in the repeal of part I valuable features that enhance open governance are lost. These

include: board size and composition; the provisions for qualification and disqualification of board members; and the requirement to advertise board vacancies. I would like to address each part individually and briefly.

On the first: In our contact with other library boards and CEOs, we note that there is a great deal of concern that councils may circumvent the spirit of the legislation by appointing only councillors to library boards or by designating council or an arm of the civic administration as the board. These fears might be readily allayed by stipulating board size and requiring majority citizen representation.

The enormous community usage of libraries, the high volunteer participation and the great importance our clients place on their libraries are all compelling reasons for legislatively guaranteeing majority citizen representation on true governing boards.

On the second issue: The legislation would allow municipalities to determine the qualifications and circumstances for disqualification of board members. Section 10 of the 1984 act covers qualifications of board members. For example, there should surely be no debate over the exclusion of municipal or board employees from board membership. Section 13 of the 1984 act lists the circumstances under which a board member's seat may be forfeit. It provides simple, prudent guidelines that ought to apply universally to library boards. It's recommended that sections 10 and 13 of the Public Libraries Act be retained.

On the third issue: Also lost in the repeal of part I of the 1984 act is section 2(1), which is the notice of vacancies. It requires appointing municipalities to advertise notice of vacancies on a board. This language was included in the 1984 legislation in response to reports of widespread abuse by municipalities that used board appointments as patronage plums available to only a few. We recommended that Bill 109 require municipalities to advertise board vacancies.

The purpose of the new legislation is to "successfully provide for Ontarians' information needs," support their requirement for "access to educational, research and recreational materials in a knowledge-based society," and to allow them access to benefit from local, provincial and global network information systems through a province-wide library network. Clearly the province continues to have an interest in Ontario's public library system, which is acknowledged as being among the best in the world. This interest requires continuing provincial guidelines for the governance of this valued service.

Section 10 of the legislation outlines the powers and duties of a board. We are pleased to see that a board may continue to "operate special services in connection with

q library as it considers necessary." This language is now more desirable than ever as it provides legislative support for libraries that seek to operate food and beverage services, bookstores or other revenue-generating services. Similarly, section 10(k) provides the legislated ability to establish operating partnerships, cooperative ventures, alliances or services contracted with other publicly funded libraries. The minister is to be commended for encouraging such partnerships within the context of the legislation.

On the issue of fees: Section 14 of Bill 109, which allows boards to charge fees in accordance with the Municipal Act and its regulations, represents a 180-degree turnaround from the position of the 1984 act. The London Public Library board reiterates its opposition to user fees. The board remains steadfast to the century-old mandate of access to information and knowledge without barriers to the less affluent.

Ontario regulation 26/96 under the Municipal Act will permit the imposition of charges for library collections by format. The historical experience of fees for specific media format is not encouraging. Through the experience of charges for lending films and videotapes, the trivial amounts of revenue raised failed to outweigh the costs of overhead. Fees for material by format simply do not make business sense.

Further to that, fees exacted for borrowing specific types of specially formatted material imposes a burden on those people who may learn most effectively through formats other than traditional print. Information comes in many packages or formats, but the regulation distinguishes among formats with no rationale given.

The legislation encourages public libraries to work cooperatively with other publicly funded libraries. A public library fee policy imposed by a council could needlessly complicate a partnership with a merged public school library by creating a system where students are not charged but the general public is. Furthermore, acknowledging that public libraries must support Ontarians in a knowledge-based society, it is clearly evident that the knowledge base is rapidly becoming predominately electronic-based, not print-based.

On the issue of confidentiality of records: The repeal of Section 28 of the 1984 act is a matter of concern to the library community. The board has secured a legal opinion advising that subsection 28(1)(v) protecting individual library records from disclosure is not covered in other provincial freedom of information legislation. This is a long-fought-for and hard-won provision of the 1984 act. The confidentiality of library borrowing records is an important ethical issue to boards, librarians and library clients. It is dismaying to lose this provision. We believe library records should remain confidential to protect freedom of thought and individual privacy.

We commend the minister for including section 2, which is the purpose or preamble. This section acknowledges Ontarians' information needs in a knowledge-based society and the importance of a province-wide public library network. This is an important defining addition to the legislation. The purpose affirms that the province has an interest in literacy and equal access to information.

On the issue of grants: Over a period of many years, our board has watched with great frustration the continu-

ing decline of the provincial per household grant for library service as a proportion of local library revenue. We acknowledge that libraries are a local service. We acknowledge that the concept of disentanglement has an allure for those who would simplify the complexity of public service. We also agree with the Who Does What panel "that the province has a fundamental interest in literacy and equal access to information for all Ontario residents."

Certainly the local level is best placed to manage and operate libraries. However, there are broader concepts of service: intellectual freedom and open access, which require the committed involvement of the senior level of government. The London Public Library board believes the provincial interest must extend beyond the creation and maintenance of networks through interlibrary loan and a provincially supported technology infrastructure. The province has an important leadership role to support research, special projects and grants.

Bill 109 appears to endorse this view by the inclusion of a stirring preamble in the legislation. We would suggest that the preamble would carry more moral authority if backed up by financial support. It's recommended that section 30 of the Public Libraries Act be retained, providing for grants to public library boards and that the provincial per household grant continue to be made.

The government has supported volunteer involvement and clear and open governing structures, so in summarizing our seven recommendations, we would like to close by repeating those principles:

That the library legislation specify the minimum board size and require majority citizen representation.

That section 10(1) and 13 of the Public Libraries Act be retained.

That Bill 109 require municipalities to advertise board vacancies.

That the provision for partnership ventures should not be restricted to "in the community."

That section 23 of the Public Libraries Act, 1984, and regulation 976 pursuant to that act be retained unaltered.

That section 28 of the Public Libraries Act be retained.

Finally, we recommended that section 30 of the Public Libraries Act be retained, providing for grants to public library boards and that the provincial per household grant continue to be made.

We thank you for allowing the opportunity to the London Public Library board to be heard this morning and we're open to any questions you might have.

0910

Mr Michael Gravelle (Port Arthur): Thank you for making a presentation. There are a number of issues I'd love to get to but the one that interests me particularly, because it came up yesterday, is the repeal of section 28. Can you think of any reason why it would be taken out? It seems like an odd omission because it seems like something that should be a basic right. Have you got any thoughts on that?

Ms DeCicco: Our chief executive officer might have some further thoughts on that.

Mr Reed Osborne: I was a little puzzled as to why it might be removed because our understanding from our

legal adviser is that it's not necessarily covered in other freedom of information legislation. Looking at the bill, there seemed to be a general repeal of part I of the Public Libraries Act. I certainly haven't heard an explanation from the ministry or the ministry staff as to why that particular section also came out as well. It just seems to me that the entire part I was removed.

Mr Gravelle: So this may be something that was taken out but shouldn't have been? It does seem odd. Perhaps I'll ask the parliamentary assistant afterwards why that is the case.

The whole issue of core services is interesting, and it came up frequently yesterday as well. We're certainly moving to a non-print format for a number of things, and I presume that's the case with the London Public Library board as well. We were told yesterday, for example, that a lot of newspapers come through in electronic format; they aren't in print format any more. Would you say the definition of protecting core services has to be redefined?

Ms DeCicco: I think that's probably a good way of looking at it. The library board in London has been moving forward to try to bring ourselves up to date as much as we possibly can, and there's no question that using an electronic format is something we're going to move more and more towards. I think you'll hear in other presentations today from groups just in London that are concerned about library services. That's a really big issue for them. Just because you're not charging for a book, that may not be your central form of getting information in the future. If that's sort of the tradeoff, it really doesn't make a lot of sense, so a redefinition might be the best way to look at that.

Mr Gravelle: Because the world is truly changing, isn't it?

Ms DeCicco: Yes, very quickly.

Mr Gravelle: Protecting core services certainly sounds like a good idea, but it all comes down to the definition of "core," because in the future it's going to just be more and more the case on electronic format.

Ms DeCicco: I agree.

Mr Derwyn Shea (High Park-Swansea): The issue of confidentiality: I'm intrigued with what you tell me your solicitor has told you, because it is the understanding of the minister and the ministry officials that the municipality freedom of information act does indeed apply very effectively to libraries. I wonder if you could tell me, on what basis did your solicitor indicate that is not the case?

Mr Osborne: Our solicitor did not go into it in great detail for me but certainly he indicated that the provisions in the Public Libraries Act, section 28, were not necessarily covered in other forms of legislation and certainly not in the same kind of specificity. I would point out as a practising chief librarian that this is a portion of the legislation that is very important to us. It is something we impress on all our employees, and certainly every new employee who comes to work for us. We let them know in very clear terms that the borrowing records of the people using our library are very private and confidential information. We're lending information on matters of health, the legal system, all kinds of private information, so this is a crucial part of library service.

Mr Shea: I understand, and you obviously impress upon your new employees the significance and the terms of the freedom of information act, do you?

Mr Osborne: Yes, indeed.

Mr Shea: Fine. I wanted to anticipate Mr Gravelle's question, because that is the position, but I would welcome written comments from your solicitor if your solicitor has some other points of view. I'm sure our solicitors would be happy to receive them. But I want to give you some comfort in that regard, that the freedom of information act is very applicable to libraries.

Ms DeCicco: We can undertake to get that information for you.

Mr Shea: I would be happy to receive that. In terms of the policies of London council, may I just ask you, what is the current council policy in advertising for vacancies?

Ms DeCicco: We advertise city-wide any time there are vacancies so that is something we are not unaccustomed to doing, but we want to make sure that it's in here so that doesn't change.

Mr Shea: So you would want the province to direct you to do that rather than the municipality exercising its ministry in sort of saying, "That will be in fact our policy."

Ms DeCicco: I can tell you in terms of city council that we would probably do it regardless, but I think there is some comfort for anybody in the community who may have a concern about that that it's written within the legislation.

Mr Shea: Is there a —

The Chair: We're coming to the end of the time. I want to thank you for coming forward and making your presentation this morning.

Mr Gravelle: I would like to make a request to the parliamentary assistant, if he could provide a rationale for why section 28 was removed, when it's becoming clear that this is something that seems to be viewed as an important element. I certainly can understand why the confidentiality is important. In that we've heard this twice, I would ask him if he —

Mr Shea: Chairman, I'm very happy. We'll give a very brief note to you, Mr Gravelle. Happy to do that. In fact I was trying to give you some indication in my questioning of the position of the ministry, that the freedom of information act really does apply and in fact takes precedence over any other act at this point. Happy to give you that information.

Mr Gravelle: It still seems odd to remove a section —

The Chair: Gentlemen, I'm not going to entertain debate.

Mr Shea: Although you do understand that sometimes legislation precedes other legislation.

The Chair: Gentlemen, I won't entertain debate. A point of order was made and a request was made, which was in order, so we'll allow that.

CHIEF EXECUTIVES OF LARGE PUBLIC LIBRARIES OF ONTARIO

The Chair: Mr Osborne stays as our next presenter. Mr Osborne, I'll allow you to make your presentation,

but just so that everyone in the committee realizes this, we only allow an individual to take part in one presentation. We can get into several things where someone will represent a national body, then a local, then an individual and so on, so we restrict people to only representing once. You didn't have a large part in the first presentation so I'm going to allow you to make yours today. I just think it fair that I say that at the outset in case this happens again, so committee members will know if I rule in a different fashion.

Mr Osborne: Thank you very much for your indulgence, Mr Chairman.

The Chief Executives of Large Public Libraries of Ontario, CELPLO, are the library CEOs in Ontario municipalities serving more than 100,000 population. Our 25 libraries serve 5.5 million Ontarians, over half the population of the province.

Ontarians use libraries for a host of business and personal reasons 70 million times annually: 43 million or 60% of these transactions occur in CELPLO libraries; likewise, 60% of circulation and 70% of Ontario's library information requests happen in those larger libraries.

As chief executives of public libraries, our membership is committed to public service, managerial excellence and efficient, effective service provided at a reasonable cost to the taxpayer. The question of governance is central to the success of these themes.

The board model has worked well for Ontario's public libraries, and CELPLO is pleased to see that boards are retained in Bill 109. The appointment of volunteer citizens, people of stature and accomplishment in their community, is undeniably a factor in the success of Ontario's public libraries. A strong citizen-based board is a community advocate for library service, and we want to keep these boards prominent and effective.

There is some concern among our members that token boards consisting, perhaps, of just the mayor or the municipal CAO could be appointed under Bill 109. CELPLO urges the committee to amend Bill 109 to ensure that true governing boards, including citizen representation, are created. True governing boards appear to be the intention of Bill 109; however, the most basic framework of board composition is missing. It is suggested the committee might be guided by the Ontario Corporations Act, which provides for a minimum of three members on a board of directors.

Our first recommendation, therefore, is that Bill 109 be amended to establish the minimum size of a board, that such a board be consistent with the Corporations Act and, further, require the presence of citizen representation.

0920

The second issue I want to talk about is financial support. Over a period of many years, our membership has watched with disappointment the continuing decline of the provincial household grant for library service as a proportion of local library revenue. We acknowledge that libraries are a local service and that the local level is best placed to manage and operate libraries. We acknowledge that the concept of disentanglement has an appeal for those who would simplify the complexity of public service.

However, we also agree with the Who Does What panel "that the province has a fundamental interest in

literacy and equal access to information for all Ontario residents." Literacy, equal access and the educational role of libraries are the broader concepts of service that require the committed involvement of the senior level of government.

Bill 109 appears to endorse this view by the inclusion of a stirring preamble in the legislation. We would suggest that the sentiments of the preamble would carry more authority if backed by financial support. Bill 109 deletes section 30 of the Public Libraries Act which provides for grants to library boards.

Therefore, we're recommending that section 30 of the Public Libraries Act be retained providing for grants to public library boards and that the provincial per house-hold grant continue to be made.

The third issue I wish to address is user fees, also a money issue; you may be discerning a theme here. The issue of user fees has long tormented the library community, and whatever happens with Bill 109 will probably not settle the matter once and for all. As librarians and managers our members have struggled with the dilemma.

As librarians we are committed to universal open access and as librarians we are inspired by the concept of the free public library and many of us see a deep commitment to this ideal in our communities. It is not just an ideal for librarians. As librarians, we feel some hesitation that fees are an unacceptable form of double taxation. We know that fees are not a financial panacea, for there is experience and research to indicate such revenue is often modest. When we do contemplate fees, we do so on the understanding there will be exceptions for those who truly cannot afford to pay. Yet as managers we are trying to restructure and reinvent our institutions in a world of declining resources, and are striving to maximize sources of revenue.

We recognize that fees are an option for revenue generation. Although CELPLO members hold a diversity of opinions on this issue, our association adopted a position some years ago acknowledging that local authorities ought to determine the kind and level of user fees appropriate or acceptable to local circumstances.

Ontario regulation 26 under the Municipal Act is limiting in that it will permit the imposition of charges only for library collections by format. Prior to the promulgation of regulation 976 under the 1984 act, many libraries did charge for the lending of 16mm films, videotapes and other audiovisual materials. Those libraries raised revenue which often failed to outweigh the costs of overhead.

Regulation 26 appears to steer a middle course. By requiring that print materials be provided at no charge, the intention is to satisfy the proponents of the historic free service mandate. By permitting fees in a restricted way, lip-service is paid to the idea that grant cuts can be recovered through fees. This approach will satisfy no one.

Public libraries must continue to support Ontarians in a knowledge-based society. It is clearly evident that the knowledge base is rapidly becoming predominately electronic-based, not print-based. The restriction of fees to information sources reliant on newer technologies is contrary to the spirit of the second purpose of Bill 109.

Fees, fund-raising, sponsorships, partnerships are all potential strategies for reinventing library service. Library boards need flexibility to use any or all of these strategies in whatever combination is of advantage to the local library. Some libraries may choose to develop extensive fee schedules, others may have the resources to fund-raise successfully or develop partnerships that enable them to avoid fees. Still other libraries may determine there is an acceptable mix of fees and fund-raising.

CELPLO believes that in the context of public service evolution and reinvention, in a knowledge-based society, and acknowledging that the definition of library collections as items owned on the premises or items accessed electronically is fast blurring, it is undesirable to restrict the efforts of boards to diversify their funding.

It is therefore recommended that draft regulation 26 under the Municipal Act be withdrawn and that library boards not be restricted in setting charges and fund-raising.

The final issue of the written submission relates to the confidentiality issue which was discussed in the previous presentation and I won't repeat that one here.

Just as a final comment, the library community, I believe, is asking the province to continue to be a partner in library service. The library community is looking to the province for some leadership in library service. It takes more than just a preamble to the legislation to be leadership. It takes involved financial support and it takes guidance in the formation of a local governance structure.

The province is taking an invigorated role in education. I ask you to, and CELPLO asks you to, not forget that the public library is also an important factor in the education system of Ontario.

Mr Tony Martin (Sault Ste Marie): In many ways your presentation this morning here isn't a whole lot different from what we heard from most of the people who appeared before us yesterday. I thank you for coming and taking the time to prepare and present.

There are a number of things in here that I would like to question you on, but we don't have that kind of time, so I just want to ask you to further clarify your anxiety around the question of governance of libraries and your recommendation here that the presence of boards be somehow enshrined in the legislation. Yesterday we heard from AMO, the Association of Municipalities of Ontario, and they very clearly stated that they were disappointed that there was still the requirement that there be boards. We gather from that they would prefer that there not be boards. Any opening at all in the act that would allow them then to take advantage and perhaps fold in the administration structure seems to me to be something that they would at least be looking at. Why did you put it in here and what is it in your experience that would suggest that not enshrining it may lead, down the road, to the disappearance of boards?

Mr Osborne: I've been a chief librarian for over 20 years working with boards, all in Ontario, and I've found it a rewarding experience. I've worked with many different boards and I've found that where we have boards of concerned, committed people, people of stature and, yes, influence in the community, we have the best library service.

I've looked at systems in other jurisdictions and I can compare the statistics. Ontario libraries are among the best in North America, if not in the world, and when I compare Ontario libraries with jurisdictions in some US areas and elsewhere in Canada where there are not boards, where libraries are run purely by municipalities, the quality of library service is not the same as it is in Ontario; it is lower.

0930

Mr Shea: Thank you, Mr Osborne, for your presentation. I regret time is always so brief that the questions have to be very selectively asked. With someone of your stature, I would like to spend more time talking about the future of libraries as you see it. You've broached it in your presentation in terms of the blurring between the print and electronic, and I suspect that indeed the challenges for library systems go far beyond that, even to challenge the existence of walls and so forth in the future. But that may be one we can discuss somewhere else.

I'd like to ask you, first of all, what is your opinion of the role of municipalities in libraries? What role should the municipalities have? I listened to you very carefully. You talked about wanting the province to show leadership. That included financial support, the guidance of governance and so forth. What role is there, then, for the local municipalities? Is it to manage what the government puts in place or is there another role for the local government?

Mr Osborne: I think the role of local government is to manage the total resources that the municipality has and to make decisions on priorities of services. The basic goal of a municipality, I've always believed, is to improve the quality of life.

Mr Shea: Right, and insofar as the library is concerned, what would its role be? If we were to pick up on the presentation by your organization and the thrust that the provincial government should provide financial support, the guidance of governance and so forth, what room does that leave for local municipalities to be involved?

Mr Osborne: I think under the current legislation the municipal council has full power over the library budget, not just bottom-line approval of the budget, but line-by-line approval. That was established in a court case upwards of 15 years ago, involving the Aurora Public Library and the Aurora town council.

Mr Shea: That's a pretty strong —

The Chair: Sorry to interrupt, but you've already exceeded your two minutes.

Mr Gravelle: Good morning, Mr Osborne. I want to return actually to Mr Martin's question about Mr Mundell's point — the president of the Association of Municipalities of Ontario. In essence he was saying that the reason they would prefer not to have any boards at all is to save money, administrative efficiencies. Certainly I see in your presentation that you've got an example of how we shouldn't be confusing administration with governance.

I'm wondering if you could give a little more detail to the committee in terms of administrative savings, how they can be done without affecting governance, without governance being a hindrance to efficiencies.

Mr Osborne: It's not unfamiliar to hear that comment from Mr Mundell or from AMO, but the fact of the matter is, the ability is already present under the current Public Library Act for municipalities and special-purpose authorities, like library boards, to merge certain areas of services. I know several of the larger libraries in the group I'm representing have a very close relationship with the municipality, particularly in areas of human resources administration, financial control or maintenance.

In London, by way of example, we've just turned over the management of maintenance, accounting and human resources to the city of London and that seems to be working satisfactorily, though that's a fairly new step and it's a little early to be evaluating it. The point I want to make is, that was all perfectly possible under the existing legislation. To suggest that the new legislation is needed to do that or to suggest that boards need to disappear or be diminished in some way, I don't think that flies. There's ample concrete evidence to the contrary.

Mr Gravelle: You can make lots of administrative savings without boards being dissolved?

Mr Osborne: Exactly.

The Chair: Thank you, Mr Osborne, for coming forward and making your presentation to the committee today.

ADMINISTRATORS OF SMALL PUBLIC LIBRARIES OF ONTARIO

The Chair: Would Barbara Taylor please come forward. Good morning and welcome to the committee.

Ms Barbara Taylor: Good morning. As the Administrators of Small Public Libraries of Ontario, ASPLO, we represent small public libraries serving populations of 15,000 and under. This is approximately 75% of the libraries in Ontario, 300 communities. We encompass rural communities from the north to the south, as well as smaller urban areas throughout the province. Our rural roots and the isolation of our communities give ASPLO a unique perspective towards public service. Standard public service infrastructure, such as transportation and telecommunications, cannot be taken for granted in many of our rural communities. We don't believe core public library service can be taken for granted either. Therefore, a provincial interest is essential to the provision of equal access to library service for our 300 small rural communities.

We would like to acknowledge that we are in agreement with the stated intentions of Bill 109. We believe, as the bill states, that the province must ensure that public libraries continue to successfully provide for Ontarians' information needs; that it must support their requirements for access to educational, research and recreational materials; and that it must allow Ontarians to benefit from access to information through a province-wide public library network. We are also very pleased that the revised act continues to require libraries to be under the control of boards.

Most of our concerns with this legislation stem from the fact that the stated purposes of the act will not be accomplished by the requirements laid out in it.

Library boards: The act states that, "A public library shall be under the management and control of a board,"

but the nature of the board is not defined at all. There is no stipulation as to size, so it could be a one-person board. There is no stipulation as to qualifications, so the one person could be a municipal employee, perhaps the CEO, the town clerk or the recreation director. We don't believe the intention of the act was to allow for a so-called board consisting of an employee of the municipality and having no community volunteer involvement whatsoever. We see the intent of the act being subverted by the total lack of criteria for the makeup of a library board.

To avoid this subversion, we recommend that the act must specify, at a minimum, the following for the makeup of a library board: that the board must consist of more than one person; that employees of the municipality cannot serve on the board; that the majority of the board must be local volunteer citizen appointments; that there should be a minimum number of board meetings; and that all board meetings must be public.

The revised act for the first time makes provision for a municipality to dissolve its library board without reference to the creation of larger units of service. According to our reading, the act would allow a municipality to manage without having either its own board or a contract for library service with another municipality. In other words, a municipality may decide not to provide any library service at all to its residents and, in our opinion, some will decide to do exactly that. We cannot understand how the act can state that one of its purposes is "to ensure public libraries continue to successfully provide for Ontarians' information needs," while in its details it allows municipalities for the first time to provide no library service at all.

Furthermore, the elimination of the per household grant will act as an incentive for some small municipalities to dissolve their library service. For instance, there are 40 libraries in Ontario which depend on the province for 50% or more of their funding. They will close their doors.

Through the grant stipulations of the previous act, at least an attempt was made to ensure that every municipality in Ontario would provide for library service to its residents. Municipalities were expected to provide their own library service or arrange a contract for service with another municipality if they wanted the provincial grant.

ASPLO recommends that the provincial grants continue and not be phased out, so that we ensure that the libraries in the province fulfil the intent of Bill 109.

0940

Networking: The act's stated purpose is "to allow Ontarians to benefit from access to local, provincial and global information through a province-wide public library network." Section 10(b) states that library boards "may cooperate with other boards," effectively leaving the cooperation necessary for networking as an option, not a requirement. ASPLO recommends that the word "shall" replace the word "may" in section 10(b).

We are pleased that the present revisions will not eliminate the Ontario library service through which the library network, especially interlibrary loan service, is presently maintained. However, the other crucial element in the maintenance of a province-wide library network is

the participation of the individual libraries. The act seems to take participation in a network activity such as interlibrary loan for granted. That participation has always been assured because libraries received a per household grant.

With the proposed elimination of the grant there will be no incentive for large libraries to participate in interlibrary loan service. If enough libraries refuse to participate the interlibrary loan system will remain in name only. For small rural libraries this system is crucial to providing equal access to information. Small libraries will never be able to provide all the information to meet the needs of our communities. If the revised legislation is to be effective, it must include an incentive to ensure the continued participation of all Ontario public libraries. ASPLO recommends that the per household grant be maintained to prevent the erosion of the provincial library network.

Fees: ASPLO supports the concept of free core services found in the regulation but recommends that it not be limited to printed material. The distinction between print and non-print media is an artificial, meaningless one because of the proliferation of formats, electronic and otherwise. In this day and age some core services can be delivered in a non-print format. Government information is increasingly available only in electronic format. To charge Ontarians for access to this information would contradict the government's intent to distribute its information as widely as possible to its citizens.

The revenue generated from fees will not begin to replace the lost provincial funding for small libraries. Most of what small libraries offer falls into the category of that which must be free: print materials and electronic information used within the library. The charging of fees will also drastically reduce the use of those resources for which libraries may charge and therefore reduce the revenue which they generate.

Bill 109 begins by laying out several noble purposes. If the province truly wishes to see these purposes fulfilled, the provincial role in library service must be expanded beyond what is currently laid out in the details of the bill. We agree totally with Bill 109's aims. We hope that our recommendations will go some way towards showing the committee how the government's vision of library service in the province can be realized.

Mr Terence H. Young (Halton Centre): I appreciate your comments. I'm trying to understand, because we heard similar comments yesterday, why the boards have to have a majority of citizens. Someone elected to municipal office is always a citizen. Nothing happens to them the next day so that they stop being citizens. Two things happen: They start to get paid and they start to get paid to be accountable.

My concern is that some boards are non-accountable and it's not one-size-fits-all, as you so appropriately point out; each community has different needs. For instance, in my community the library lends toys; they have access to the Internet; they have movies on videotape. They have a number of things that they have now decided should be chargeable or that they won't be providing. They're trying to concentrate their resources more on what is strictly educational or closer to educational and recre-

ational reading, more related to literature versus entertainment. We think the best body to decide that is local initiative — you don't want the provincial government trying to micromanage each area of the province — but with that accountability.

I don't understand why people assume municipal officeholders are not accountable. It seems to be an assumption that they're a bunch of ignoramuses who don't care about education and don't care about literature. I'm trying to understand that better. Could you explain to me?

Ms Taylor: Of course, it varies from municipality to municipality. It has been fairly obvious to lots of small libraries ASPLO deals with that some municipalities function very well with a number of councillors on their boards, which to me is the best solution, that there be a mixture of both councillors and citizen volunteers. Our own board currently has three councillors and six volunteers. But in small communities, as I mentioned, to raise enough money through fees to replace the provincial grant we need those volunteers on our boards who encourage donations, who go out and do fund-raising on behalf of the library.

Mr Young: I understand. But I'm trying to understand why you think that there won't be volunteers on the boards any more. Why do you think that all of a sudden municipalities will throw that away?

Ms Taylor: A number of municipalities have indicated that they will not have volunteers at all, and certainly they were not expecting there to be a board in place. They were expecting this to be a committee of council and that therefore there would not be any citizen input to that. A lot of them do not want any citizen input.

Mr Gravelle: I think the point you're making too is that there are some municipalities that have already made the point that they're going to simply dissolve the boards and the libraries may close themselves. The branches may close.

Thanks very much, Ms Taylor, for showing up. I think it's really important to state that you really are representing an extraordinary part of the library community in Ontario. Certainly 75% of the libraries are obviously in communities under 15,000, so it really is a large voice that you're bringing, and I hope that everybody will be listening to you.

The point you're making about user fees I think is important, and the provincial grant is important because of the much larger significance it has in small and rural communities, many of which are up in northern Ontario, where both Mr Martin and I are from. I think we want to make that point really clearly too.

I've tried to make the point that user fees or whatever cannot by any means make up for what the loss in the provincial grant will be. Have you done any survey at all among your libraries in terms of whether or not they've checked with their local councils and whether there is any intention of making up the difference between the provincial transfer being taken away? Is there any kind of indication you can give us in terms of the 300 libraries? I appreciate that's difficult, but I'm sure we'd all be curious to see what the thoughts are right now, even in percentage terms.

Ms Taylor: I really have no idea of actual numbers. I know that even with the 20% decline in the grants, for lots of municipalities they did not replace even that 20%, so there are a number of libraries with the 20% again this year being taken out of their budgets. Some of them will be closing down hours, getting rid of staff, reducing their budgets, and the more we do that, the less the service is good to the community. We can't be providing a service without the moneys to do it, and it's obvious to me that the communities are going to be hard pressed to find the money for all the services they're going to have to be responsible for now. Almost none of them is in a position through having boards to be able to help raise the money themselves. Nobody donates to the town to pave a street but they will donate money to a library board to help increase the collection and the services available and they've done that.

Mr Gravelle: It's an important point. Thank you.

Mr Martin: I don't think anybody should be misled into thinking that this bill is actually about improving libraries. This bill is about the downloading of the cost of services to municipalities. It's about allowing municipalities to find ways to deal with the shortage of revenue they're going to have once all this kicks in. That was perfectly obvious when we heard from AMO yesterday, who talked about some of their misgivings re the bill because it didn't go far enough. It didn't wipe out boards so that they could fold completely the operation of libraries into the municipal organization.

We have an example of Ignace — I don't know if you've heard about that one — where they're going to close down a library that was built by the people, in partnership with the provincial government, as a beautiful place for its citizens to go and access information. They're going to move the library into the school and turn the new library that they built into the municipal offices because it's the newest building in town. I suggest there will be other examples of that kind of thing crop up as this bill becomes the law and as municipalities are allowed to do those kinds of things.

You speak for small libraries. Are there stories like that beginning to come out in your circles now and are there any that you'd like to share with us here this morning?

Ms Taylor: There are many. I think at this point no one really knows what's going to happen. Everyone is waiting to see when the other shoe will fall and we have no idea. Most municipalities this year are just sitting, waiting. As far as our budgets went, most of them either weren't reduced a whole lot or were reduced a very small amount this year, so we have no idea what will happen once all the downloading occurs. But we have no reason to suspect that because there isn't any money the municipalities have to use for library service, they will use any of it for library service. We don't see library service as a fringe service. Given the economic conditions in our country today, libraries are fulfilling a more and more important role all the time and we can't do that without the funds.

The Chair: Thank you, Ms Taylor, for coming forward and making your presentation today.

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CITY OF LONDON

The Chair: Would representatives from the city of London please come forward: Mr Hopcroft and Mr Swan. Good morning, gentlemen. Welcome to the committee.

Mr Grant Hopcroft: Thank you very much. I'd like to start by welcoming members of the committee to London. We appreciate the fact that you get out around the province to give an opportunity for everyone to have some input on these legislative amendments.

Perhaps to start with some introductions, Councillor Joe Swan is also chair of the community and protective services committee of city council to which our library board reports. I'm Grant Hopcroft, deputy mayor and a former member of the London Public Library board for some 10 years and a former chair of that board.

The city of London supports the changes introduced in Bill 109, and one need not look much further than the title of the act to understand why. While municipalities have traditionally carried a very significant portion of the cost of the public library system in Ontario, recent announcements by the province indicate that the municipal funding role will grow to the point where all of the expenditures made by local libraries, with the exception of revenues generated by services provided, will flow from local property taxpayers. While municipalities have had a somewhat larger measure of control over library finance than in the services offered by some other special-purpose bodies in the larger local governance structure, the city is pleased to see that the commensurate "say for pay" in the library system will grow with the passage of Bill 109. We support, therefore, the general direction of the bill, but we have some specific comments.

First in the area of governance: As the government body with the responsibility for virtually all the tax-supported assistance to library boards, we commend the province for giving municipal councils the right to determine the size and composition of the board, the qualifications of the board's members and all the rules and procedures that go with appointments to that board. We believe strongly that local councils understand the role and importance of libraries and will appoint people to boards who will reflect that importance.

With respect to budgets, we appreciate the clarification in the legislation of the right of municipal council to approve, reject or amend the estimates of the board. We acknowledge that once approved, those estimates will be binding on the municipality, and believe that's a responsible direction for the legislation to take. The library board, once it has secured municipal council approval, can proceed to manage the library with some degree of confidence as to the resources available.

We note that municipal council has been given the authority to determine a level of flexibility that the library board has to vary expenditures authorized in the line-by-line approval of the budget, and again, believe that this is a prudent approach to take. Individual councils will not only be able to set the overall envelope of spending but are authorized to give the board greater or lesser flexibility in using those funds as council sees fit.

The "say for pay" concept is important to us and this authority reflects that.

Additionally, in the matter of financial accountability, we are pleased to see the board will be required to make an annual report to council.

On the issue of grants, the current Public Libraries Act makes provision for the minister to make grants to library boards for library purposes. The bill deletes that section, giving effect to the intention of the province to eliminate library grants.

The city of London wishes the standing committee to take full recognition of the rebalancing that underlies the stated intentions of the province. If there is to be an elimination of grants to libraries as part of the overall set of changes to provincial-municipal finance, the city insists that such reductions be fully addressed in that rebalancing. Losses in the funding of the library system in our city must be taken into account in all the other adjustments being made.

On the issue of partnership ventures, we are in agreement with the London Public Library board submission. We think the words "in the community" should be deleted from the provisions "seek to work cooperatively with other publicly funded libraries to improve library service in the community," as we feel that wording unduly restricts the intent of the legislation and the ability of our local public library boards to forge partnerships or cooperative ventures.

In the area of administration, the library board has been given the authority to appoint an employee who shall have general supervision over and direction of the operations of the public library and its staff. We were pleased to see the act does not constrain the municipality in any way as to who the employee might be. In the event that the municipal council and the library board should agree on the concept of merged or integrated administrations, nothing in this bill, in our opinion, would stand in the way of that approach. In these days of tight resources and re-engineered and restructured delivery systems, the flexibility of local councils and boards to structure themselves efficiently is critical.

Given the added responsibility the municipal government will have for library finance, we also appreciate the provisions of section 12, which require the consent of the appointing council for board decisions regarding the "purchase, lease, expropriation," construction, renovation or disposition of land and buildings, again a prudent measure and a reflection of "say for pay."

On the issue of access, we are cognizant of the measures taken in this bill that guarantee free access to libraries, free use of materials in libraries and free borrowing of printed materials in certain circumstances. The people of Ontario have long accepted the right of access to their libraries for learning and recreation and cherish the concept of equal access.

In conclusion, the city support Bill 109. It contains elements which municipalities such as London would like to see in place and it addresses our need for more local control, efficiency and accountability while at the same time ensuring public access to libraries is not jeopardized.

We'd be pleased to answer any questions the committee members may have.

The Chair: We have better than about two and a half minutes per caucus for questions.

Mr Gravelle: It's a long time for us to have in these hearings.

Good morning, Mr Hopcroft. I just want to thank you very much. I appreciate the point of view you brought forward on a number of the issues, especially in light of the situation that municipalities are in generally in the province or will be in.

One area in which we've had constant representation has been the whole concept of citizen majority on the local boards. The question I really want to ask you, and I do appreciate what you're saying here: In that you will have line-by-line approval of the budget and in that you will have local control, and I presume you've had good relations with the library boards in the past, is it fair to say —

Mr Hopcroft: Not always.

Mr Gravelle: All right, but is it fair to say that generally speaking, you would certainly not be against citizen involvement in the boards? Are you saying that you will actually plan not to have citizens involved on the boards?

Mr Hopcroft: London, I think, has a long history of having citizen involvement in not just statutory local boards but in boards we have created through private legislation, special legislation or under other acts of the province. I think we speak very strongly to the issue being one for local decision. I think we object strenuously to that being dictated to us. We think that those issues of membership and citizen involvement should be determined locally on a case-by-case basis.

Mr Joe Swan: If I might add to that, obviously the debate was taken on the council floor as well as to the appropriate approach in this matter. I think the local council shares the same concerns you have, that we make sure volunteers have an active and participatory role in the operation and governance of our library board. That matter was stated I guess unequivocally by all members of council, that there's a valuable role for volunteers to play in the running of libraries.

The question is, who should determine and when should they determine those roles? The majority of members of council feel that should be left to the local council; it does not need to be embedded in legislation that local councils will have the same commitment as provincial members have to ensure that there's active community involvement on the library board.

So we share the same goal and the same principles to ensure that happens. The question is, who should determine it? Do you need it to be in legislation or should you allow the local council to make that determination?

Mr Gravelle: Again, my interest or my concern is that you've assured volunteer participation, but the concern from a lot of people making presentations, in reverse, is that unless they have a significant board role, it is more difficult to have volunteers, and we're less likely to have volunteers involved who will be playing the role that's most useful and most helpful, as advocates for the libraries.

The case they made is that their job wouldn't be to fight you for dollars, that they'd obviously be having to

deal with the dollars that are allotted them and with the recognition of the shrinking resources. I appreciate your position but I'm still not 100% clear on why you would be so resistant to having a mandated number of citizens who are citizens of your community.

Mr Swan: We just don't feel it's necessary.
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Mr Martin: Thank you very much for your presentation. I don't agree with everything you support here but I certainly am appreciative of the fact that you are honest in your presentation. I don't think there's any fudging the fact that this is about dealing with less money to the municipality, and when you say "say for pay," what you really mean is "say for lesser pay," because you're getting less money from the province, and how you deal with that is a huge challenge. I don't envy you that because I know that library funding is just one piece of the puzzle through which you're going to get less money flowing to the municipality.

Yesterday your parent organization, AMO, came before us and suggested that they should actually not have in it a provision for boards to exist. Would you agree with that?

Mr Hopcroft: The stated view of our council is that we support the provisions of the bill. We recognize that AMO's position would have even greater flexibility than the legislation now provides, but the position of our council is support for the bill as it stands.

Mr Martin: You obviously, as you said to my colleague, recognize the valuable contribution that citizen boards make to a facility such as a library.

You state in here that in the event that —

Mr Hopcroft: As I mentioned earlier, in London we have created boards to deliver services in a variety of areas where none existed previously. They're very useful vehicles in some circumstances to provide service and involve citizens in delivery of municipal services.

Mr Martin: You also say here, "In the event that the municipal council and the library board should agree on the concept of merged or integrated administrations," there's nothing in this bill that would stand in the way of that happening.

Mr Hopcroft: That's our understanding.

Mrs Julia Munro (Durham-York): Thank you very much for being here this morning, and we certainly appreciate some of the comments you've made. I wondered if you'd talk again about the issue of governance, because certainly many people have presented to us a different position. I think it's one that demonstrates more a fear, if you like, that is contrary to the sentence you have here that you believe strongly that local councillors understand the role and importance of libraries and will appoint people to library boards who reflect that sensitivity.

I just wanted to know what your comment was in relation to that statement, given the concerns we hear, and I think it comes back to that issue of accountability, which is of course the essence of the "say for pay" and so forth. I wonder if you have any comments to make that reflect that notion of accountability that obviously stands behind what your statement is in this presentation.

Mr Hopcroft: If I could start with the existing legislation providing for certain basically designated appointments, in fact while municipal councils technically appoint all the current appointees of library boards, some of those are designated from boards of education and so on. So there's probably not the same direct accountability now as there would be in future under the provisions of this bill.

I've been a library trustee myself for 10 years, and there's always tended to be, unfortunately, a bit of an us-versus-them attitude on the part of some public library trustees and municipal councils, for a variety of local reasons in many cases.

I really think what the bill does is balance the interests of those who are paying for the service with the citizens of the community, and in many cases I think it's convenient for municipal councils who aren't directly accountable for service sometimes to suggest, "If you've got a problem with the library, go talk to the library board; that's really not something we're responsible or accountable for." I think the bill cuts through a lot of that and provides for continuation and perhaps an improvement to the issue of line-by-line accountability and budgetary expenditures, but also the ability for local councils and their local citizens. I don't think councils make decisions in isolation from their local citizens about what the best structure for the board is in that community and to arrive at the best mix of citizen involvement and council involvement in how they report.

Mr Swan: I think it's also important that we are effectively talking about libraries in the new knowledge industry. The form and composition of boards and governance structures in this new information economy are going to require imagination and local flexibility to respond to that. If we try to take a cookie-cutter approach across the province, that the library boards will look the same in each community, I think you'll restrict the capacity for innovation and change. That's what local councils can do, and draw those partnerships together and design the board that works for their communities. As to whether people should trust us, Controller Hopcroft, as you know, is both a lawyer and a politician; I have no idea why the public wouldn't trust us.

The Chair: Thank you very much, gentlemen, for coming forward and making your presentation today.

STRATFORD PUBLIC LIBRARY

The Chair: Would Joyce Jantos please come forward for the Stratford Public Library.

Mr Harry Nesbitt: I'm Joyce.

The Chair: Come on forward, Joyce. Sorry, I have a different name down. Welcome to the committee. I'd appreciate it if you'd both introduce yourselves for the benefit of the committee members.

Ms Jane Kirkpatrick: My name is Jane Kirkpatrick. I'm the CEO of the Stratford Public Library. Mr Harry Nesbitt is a trustee on our board, former president of the Ontario Library Trustees' Association, and he will be making the presentation this morning.

Mr Nesbitt: Thank you very much for the opportunity to speak to you people. I just came from Timmins a

couple of days ago and there was quite a bit of snow up there, and then of course we have a little snow coming down this morning. I appreciate the opportunity to speak briefly. I have a short little summary here.

The Stratford Public Library believes that the proposed changes to the library system of Ontario are seriously flawed. We welcome this opportunity to present what we believe are essential elements in assuring that the people of Ontario continue to enjoy the level of service and access to which they have been accustomed.

Our library system is acclaimed as among the best in the world. It is our desire that it remain as such. To that end, we believe that libraries within the province should be governed as follows.

Citizen participation on library boards should continue to be mandated by any new legislation. Political considerations should not enter into questions such as intellectual freedom. Municipal politicians, because of the nature of the electoral system, could fall prey to vocal minorities who would restrict access to information which they found distasteful. Municipal councils should, of course, maintain their control over library budgets.

Further, it is necessary that provincial standards be imposed on the composition of boards so as to ensure that consistent quality in library governance is maintained across the province. Variations in board size and makeup could lead to problems in access, intellectual freedom and quality of the collection. A multiplicity of municipal libraries marching to their own drum mitigates against coordination, cooperation and innovation. A network requires standards to function and it is the job of government to provide the framework for these standards. Any attempt to remove standards for board makeup is an abrogation of the duty of this government.

Further, the question of possible additional costs incurred, should the library be governed by a committee of municipal council, has not been adequately considered. We believe the most appropriate administrative structure would offer the same level of professionalism that currently exists in our provincial library system. The escalating demands of the new information age, with its daily quantum technological advances, demand new skills and increased knowledge if the benefits to the people of Ontario are to be realized. Therefore it would be inappropriate, and leave us sadly uncompetitive with neighbouring jurisdictions, to replace library staff with volunteers. If we are to compete on a global scale, access to information is imperative. Any action on the part of government which could retard this access would be counter-productive.

We accept the concept of voluntarism in the areas of library support. Historically, volunteer trustees have helped to create a library system among the best in the world. Dismantling this infrastructure will inexorably reduce this involvement and lower the commitment and quality of the voluntarism. If the government wishes to promote voluntarism in the library system, it seems contradictory to remove one of the key areas of volunteer activity, that is, mandatory citizen involvement on library boards.

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Other volunteer activities already do, and will continue to exist in areas of support to our library and to the

community it serves. These include friends' groups, literacy programs and seniors' and children's programs. We believe that anyone should be able to enter the library and use the library-owned materials.

Free access to library facilities, as well as to any and all materials used in public libraries and borrowed for home use, is fundamental to the rights of citizens in a free and democratic country. Democracy without knowledge can never endure long. The suggestion that the same materials, free for use within the library, should suddenly become a source of revenue when a patron attempts to take them out of the library shows a lack of understanding of public library usage. Any effort to separate books and other reading materials from information delivered in other technologically more sophisticated formats is woefully out of touch with society today.

Limiting the use of some materials to free in-library use will also result in hardships to libraries situated in rural areas where distance becomes a factor and to smaller libraries where providing in-library-use facilities may be impossible.

Public libraries are a mainstay of communities across this province. Their health and wellbeing are essential to the health and wellbeing of the communities they serve.

I want to thank you. We've attempted in this brief to stress the areas of most concern to us and bring to your attention what we feel essential to maintaining a healthy library system in Ontario. Well-thought-out change is positive and progressive; change for the sake of change is not.

Mr Martin: Thank you very much. Certainly your brief fits into a pattern we've seen develop over the last day and some hours this morning which sees those people directly involved in the delivery of library services, boards and volunteers and users opposed to this piece of work. Municipalities, because they're under tremendous stress by way of the downloading and in need of ways to balance their books, are supportive, to a degree, of this. In some instances it doesn't go far enough and in some instances there's a request for further tinkering with the wording.

You raised one point this morning in your presentation that hasn't been gone into in as much detail. Mind you, there's still more detail, and that's my question to you around the administration of libraries. There's a sense that you need really seriously to keep the board separate so that it can be governed. The question of administration in libraries: Is the administration of a library a different kettle of fish from the administration of a municipality? Are there things about administering a library that would make it difficult, if you didn't have an understanding of how libraries work and the unique logistical challenges that go with operating a library, to fold completely into a municipal administrative structure?

Ms Kirkpatrick: Sir, are you inquiring in terms of, for example, the chief executive officer? Are the functions of a CEO in a library different from the department head's functions?

Mr Martin: Yes.

Ms Kirkpatrick: In many respects no, they are not. I would liken it to CEOs of libraries having specialized knowledge, similar to city engineers or degreed people

from parks and recreation, because the nature of the work is quite specific; the nature of what we do is very specific. I think where we see differences is that in terms of the kind of service we provide, because it is so strongly focused on direct one-on-one service to the public, it is very labour-intensive. It does not lend itself particularly to the introduction of user fees, which is one of the major concerns.

The other point is that in terms of dealing on a day-to-day basis or dealing within the confines of the municipality, we, because of our board governance, have tended to operate independently of the municipality and independently of some of the pressures that are brought to bear on municipal governments, which then translate down to the department head level. So there are changes, but in many respects it is very similar too.

Mr R. Gary Stewart (Peterborough): Thank you very much for your presentation. Sir, you said you were at one time a member of the trustees' association of Ontario. Did I hear you say that?

Mr Nesbitt: Yes. I am on council. I'm a city representative on the board. I've been on the board 12 years. I am a past president of the old Ontario Library Trustees' Association.

Mr Stewart: There was a lady a little prior that made the comment that the rural — and I'm from rural Ontario — were very concerned about one-person boards, one council member on a board only etc. Can you tell me, over the years of your experience, how often that has happened in Ontario?

Mr Nesbitt: No, I couldn't, but I can speak for —

Mr Stewart: Maybe not the percentage. Has it happened often in Ontario?

Mr Nesbitt: That there would only be one board, one council?

Mr Stewart: That there's only one person on a board or whatever. The point I'm trying to make is that there seems to be a lot of fear that the minute this bill goes through, all boards are going to be discontinued, councils are going to totally take it over, there's going to be one person on the board, they're going to set up a bureaucracy. I can tell you, if the Who Does What goes through, councils will not be looking at trying to set up another bureaucracy.

I look through many of the presentations and the word is, "could" or "may" happen. I guess I'm trying to get in my mind, if it could or may, has it happened very often in the past, and why would it happen when we've got a good organization going, very important in the volunteer sector? Why would it change?

Mr Nesbitt: You're very right. "Could" and "should" are very good statements, but not necessarily what would happen.

Just in the last five years, AMO — someone will probably be rapping me for this — has been trying to get rid of the special services boards. All you'd ever hear them talking about was first the police services boards, which I sometimes think they should, and the library boards. I would get up, every time I went down to Toronto, and some of the people here have heard me get up, and speak against this wanting to do away with library boards. I never felt that AMO could give us a

good reason why we should do away with the library boards, and I still don't think they can give us a good reason. They're probably still harping on that, but they seem to be nicer about it. Every time they see me, they don't harp quite as madly at me.

Mr Stewart: I was just looking through their presentation yesterday, because this comes up quite often. What AMO is looking — and let me assure you, and you know sir, that AMO does not represent all of the municipalities of Ontario by any means.

Mr Nesbitt: Most of them.

Mr Stewart: Well, yes, but ROMA and FONOM and a few of the other ones represent a lot more of them.

The Chair: You're going to have to make your point quickly.

Mr Stewart: They are not coming out and saying no. What they're looking for is flexibility. What's good in Stratford may not be usable in Keene; what's good in Toronto may not be good in Lanark. I guess they're looking for that flexibility and to put it into the hands of municipalities to work with the people of the community.

Mr Gravelle: Mr Nesbitt and Ms Kirkpatrick, thank you very much for coming in this morning. I completely agree with your presentation in the sense that this legislation is seriously flawed and I think part of the purpose obviously of having these hearings is to listen to people such as yourselves. I appreciate it.

Certainly the Ontario Liberal caucus has agreed that we need to have some major changes and amendments to this legislation to at least come close to the rhetoric the minister has in the legislation. For example, when she introduced the bill she said this new act will "both improve the delivery of library services to the people of Ontario and lower the cost of this service."

In terms of improving the delivery, I just want to ask you, based on what is in Bill 109 now and in terms of the whole question of basically the boards themselves, the whole question of core services, the whole question of user fees, do you think it's remotely accurate for the minister to say that it will improve the delivery of local services, let alone the preamble she has in the bill that it's going to obviously maintain access to everybody in Ontario, whether there's anything in this that is remotely connected to reality?

Mr Nesbitt: I suppose there is some reality in all of this and probably quite a bit, but whether it will ever be cheaper, that's a good question. I never saw anything yet happen that became cheaper, so in that respect I wouldn't see that happening. Have you anything you'd like to add, Jane?

Ms Kirkpatrick: I think the way the legislation is set up will make it difficult to improve service because of the withdrawal of the per household grants. It will make it very difficult to sustain current levels of service, let alone improve services. I think most municipalities — certainly in ours, we don't have any expectation that our municipality will be looking to make up the shortfall when the government grant disappears.

We're also in the position that we have contracts with neighbouring townships which fund their library service pretty much totally on government grants, and we don't expect that we'll be able to sustain those contracts. So in

our situation we're definitely looking at revenue reduction, and frankly, introduction of user fees for loaning specific formats will not come close to replacing that revenue.

Mr Gravelle: That's one of the points that's been made very often and I think it's an important one to keep making, that user fees cannot replace the provincial transfer in any way at all.

The Chair: Thank you both for coming forward and making your presentation to the committee today.

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ADMINISTRATORS OF MEDIUM-SIZED PUBLIC LIBRARIES OF ONTARIO

The Chair: Would the representative from the Administrators of Medium-sized Public Libraries of Ontario please come forward. Good morning and welcome to the committee.

Ms Wendy Newman: Good morning. My name is Wendy Newman. I'm chair of the Administrators of Medium-Sized Public Libraries of Ontario, or AMPLO. Our group consists of the chief librarians of the 68 public libraries that serve populations between 15,000 and 100,000 in Ontario. We welcome the opportunity of public hearings, and in particular this opportunity to offer recommendations to this committee which we believe will strengthen the effect of the new statement of purpose in Bill 109.

Our comments will focus on five aspects: (1) the statement of purpose; (2) library board composition; (3) access to core services; (4) provincial grants; and (5) data on the gives and takes between the province and the municipalities.

First, with respect to the statement of purpose in Bill 109, AMPLO firmly supports this statement of purpose. It's clear. It's helpful. AMPLO expects that the recommendations we are going to make are consistent with the basis of that purpose statement and consistent with the stated priorities of the government in advancing a knowledge-based society.

Turning now to board composition, AMPLO supports the retention of library boards in Bill 109. We recommend that to ensure both consistency with the purpose statement and clarity in implementation, the bill establish two things: first, a requirement for citizen majorities, and second, an arm's-length relationship with municipal councils. We believe this recommendation is consistent with the government's approach to police service boards in safeguarding both apolitical processes and equitable access.

The protection of intellectual freedom and the ensuring of free access to the tools of thought is simply essential to the building and maintenance of a fully functioning democratic state. That access must not be constrained by vulnerability to special interest, whether it is of a religious, philosophical, social or political bent. It is not a matter of councils being in any sense the wrong people. It has to do with the appropriateness of the political forum as the focus for the increasing numbers of pressure or one-interest groups. Yet this recommendation that we are making would not compromise in any way the

financial control and accountability of municipal councils for funds or for appointments, or prohibit any administrative savings that represent cost-effective ways forward. There is nothing in this recommendation and in fact nothing in the current act that prevents all forms of administrative cooperation that simply save public funds.

We believe our recommendation is also consistent with the government's purpose in maintaining successful public libraries and its commitment to voluntarism. Unfortunately, the way the bill reads now, it leaves open the possibility of the erosion of boards down to a purely nominal role. To continue to benefit from the high degree of involvement and success of library boards, which contribute half a million hours of volunteer service to Ontario's communities annually — that is a strong figure; I've actually done the arithmetic and it is true — AMPLO recommends that boards be required to consist of a combination of municipal council and volunteer citizen members, with a majority who are not members of council or municipal staff. Such a composition would ensure an arm's-length relationship and the continued community involvement of volunteers. Again, the model that the government has introduced for police boards is consistent with this recommendation.

Our recommendation is also consistent with the government's commitment to economical and grass-roots participation. Library boards are able to engage a great deal of successful community-based fund-raising, something that is much more unlikely to occur where there is no arm's-length relationship with the ability to tax.

Turning now to access to core services, AMPLO supports the concept of free core services in the regulation. We recommend that the core of library service, however, not be limited to the print medium. In particular, AMPLO recommends that electronic services and basic reference services particularly be considered free core services. Protecting the right of everyone in the province to access the culture and information of the world, free of charge and regardless of physical medium, will ensure that Ontario's citizens will maintain the ability to compete in a global information society.

I note that various formats keep coming up. In particular, somehow the subject of videos keeps coming up. I just want to make two points very briefly about videos. First of all, what's there? What is in public library video collections is very different from what is in Jumbo Video stores, and that is deliberate. The purpose of Jumbo Video is very different from the purpose of the public library. Second, in surveys that have been done, one very thorough one in my own community, of the perceptions and attitudes of the video store owners, there were none who objected to what was in the public library. As a matter of fact, they like making referrals to the public library for the kind of thing that falls clearly outside their selection criteria. They particularly noted that they prefer to do that than refer anyone to the competition. So they seem to be well aware of what we're doing and not unsupportive of it.

Our recommendation about free core services is consistent with the role of public libraries as the informal education system in the knowledge-based society that is mentioned in the purpose statement.

Public library support for new skills training and retraining actually started with the mechanics' institutes in the 19th century and it has not ceased, whether the learner is in need of new keyboarding skills or the knowledge base to start a business. In the information age, information literacy is as significant to society as is traditional literacy. For large numbers of people who could not otherwise afford it, the public library has provided and will continue to provide initiation into information literacy.

Our recommendation is also consistent with the government's commitment to an informed democracy and cost-effective distribution of government information. Quite simply, it is in the government's own interest to ensure cost-effective distribution of electronic information, to which it increasingly turns. If they were to throw up a cost barrier for access to that, it would be completely counterstrategic to the government's objectives. The use of Ontario's public libraries as a government communications network is accelerating, and the infrastructure is there to make that a much more practical and cost-effective reality, provided that cost barriers are not thrown in the way of that important strategy.

Our recommendation is also consistent with the government's commitment to access as defined in Bill 109. It would avoid a two-tiered system of public access to public library service.

To do this, basic reference service should also be free. As the bill reads today, even simple directional assistance of the variety, "Where are the government documents?" could be a fee-based transaction.

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Our recommendation is consistent with the role of public libraries as support systems for the free formal education system, and the rationale for these go hand in hand.

Our recommendation is consistent with the role of public libraries as effective partner organizations. This has been alluded to earlier this morning. Public libraries make good partner organizations for government and non-government bodies because we do not have barriers to access and we don't have ideological sharp edges. If we throw in fee-based structures for access to core services, we're going to restrict the ability and willingness of other organizations to be partners with us to add to the total of what we can provide.

Our recommendation is also consistent with the government's commitment to economic renewal and an information-based society.

That's the case in principle. I just want to turn very briefly to the solid business case against charging fees for core services.

If you have fees for materials that are high, they will be a barrier and a deterrent to use. It is certainly not in the public interest to deter use of the public libraries. If fees are low, the operating costs of implementing these, of chasing those few dollars, just simply don't make sense. So the case in principle and the business case both argue against fees for core services.

Turning now to the direct provincial grants, AMPLO recommends that the current direct grants to library boards be continued and that a continued funding role for

the province be retained. This recommendation is consistent with purpose statement number 1: "To ensure public libraries continue to successfully provide for Ontarians' information needs."

We have heard already this morning about the impact on small communities, libraries that are dependent on the provincial grant. At the other end of the spectrum, the large libraries will have no incentive to lend to small libraries without some provincial funds to secure their participation in resource-sharing.

The collapse of the resource-sharing network would be a waste of a tremendous and successful Ontario investment, established at provincial expense, that prevents expensive duplication and ensures equity of access. If there is to be a minimal level of service in our informal education system and real participation in it, the province has to be in the game as a funder.

Our recommendation is consistent with purpose number 3: "To allow Ontarians to benefit from access to local, provincial and global information through a province-wide public library network." If that network is to exist, if that network is to have access points throughout Ontario, the province needs to be involved. It is now and will remain in the economic interest of the province as a whole to maintain its funding involvement in public libraries, including the Metropolitan Toronto Reference Library, a provincial resource that should not be left entirely to local resources, to ensure a continuing resource for both individual and business research.

Last, data on the balance of gives and takes: AMPLO recommends that clear and unambiguous and complete data on the gives and takes, municipality by municipality, be released to clarify the financial situation of our municipalities so that local discussion could be focused on the actual work before us. The government has announced plans to phase out the direct grants to public libraries. There is an assumption, however, that municipalities will fund the difference. There is no requirement that they do so and there is no provincial analysis available to demonstrate how they could do so.

In conclusion, public libraries are not just local services. They play a very strong provincial role in a strategy that is important to the future of the province. There is a sound and solid infrastructure of resource-sharing; there is a strategic plan called One Place to Look; there is a development and implementation of the Excel program that leads to on-the-job certification for non-professional library staff; there is a new voluntary accreditation process developed by the Ontario Public Libraries Strategic Directions Council; there have been various capital projects. These and other efforts have fostered and invigorated an information climate that could quite simply not have been attained without provincial involvement, encouragement and assistance.

We trust that these recommendations will assist the government in preserving valued services that have served the public interest well, consistent with the declared purpose in Bill 109.

The Chair: Thank you very much. There's only a minute and a half remaining, so I have to pick up where I left off in the rotation yesterday. We finished with Mr Martin, so it's the government caucus which gets that minute and a half for questions.

Mrs Munro: Thank you very much for a very thorough analysis. I think what you have really identified for us at the heart of the problem is the question of, what is the role of the province, what is the role of the municipality? I think the act very clearly goes back to those recommendations made through the Who Does What panel in terms of identifying the need for a provincial role.

I'd like to ask you then, given that it is in that context where there is a clear indication from the province that there's an exchange in terms of financial commitment, do you see the recognition of that accountability at the municipal level? You have identified problems in terms of who would make the decision to charge a fee for service. Is it not the municipality? I mean through the board, but at that level, that's where the decision will be made?

Ms Newman: Our recommendation is that the province establish a core services framework and the distinction between core and non-core is left therefore to local decision-making; that is, there is a provision in the regulation for certain services to be defined as core, free services and not subject to fees. It is AMPLO's recommendation that the core services framework defined by the province be broadened particularly to include electronic service provision, basic reference service; that is, that it not be defined in terms of the format, the container of the information. There are many other services that public libraries can and do offer that are not within that defined core, and that kind of decision-making is perfectly appropriate at a local level.

The Chair: Thank you for appearing today before the committee. We appreciate your attendance.

KITCHENER PUBLIC LIBRARY WATERLOO PUBLIC LIBRARY

The Chair: Would representatives from the Kitchener and Waterloo public library boards please come forward. Good morning, ladies and gentlemen, and welcome to the committee.

Mr Bruce MacNeil: I'd like to introduce the representatives from our boards. We have Mr Eydt, who is the past chair of the Waterloo Public Library board, and Mr Eric Bow, who in addition to being a representative on the Southern Ontario Library Service is also chair of the Saugeen trustees' advisory council. I'm Bruce MacNeil, past chair of the library board. I've had the opportunity to make a previous presentation to the general government committee regarding Bill 26 and the proposed dissolution of local boards and public library governance.

I'd also like to mention that three of the members of our delegation — the two CEOs are with us as well — are volunteers. We've taken time out of busy schedules to come and speak to you for 15 minutes and also to drive the distance from K-W. I think that's an indication of our commitment as volunteers to library service both in our communities and in our province.

We have a brief statement to make. The boards of the KPL and the Waterloo Public Library are going to address our comments specifically to the proposed changes in library board composition.

The present legislation recognizes the importance of balancing the interests of the community and the need to protect intellectual freedom. While the new draft legislation continues the existence of library boards, it is the lack of any guidelines on the composition of the library board that we would like you to reconsider.

In a political environment that promotes partnerships with other public sectors such as education, voluntary organizations and community groups, as well as private sector interests, it would only follow that library boards be free to reflect these potential partnerships as well as the interests of the citizens they serve. Both the Kitchener and Waterloo library boards have benefited from community-based boards comprised of teachers, architects, business people and other dynamic community leaders who represent the breadth of our community interest.

The workings of libraries and the promotion and protection of their services are more complicated and time-consuming than one might think. Boards attract dedicated and committed volunteers willing to make the effort to ensure the best services are available to our communities.

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Libraries are complex organizations with a high degree of public interest. The number of board meetings per year should be maintained to ensure authority and dialogue. Board meetings should continue to be public. Appointments to the board should be advertised, and municipal and library staff should not be eligible for appointment so as to avoid possible conflict of interest.

Maintaining a library board comprised of a majority of community representatives does not challenge council's control over library finances and board appointments. It does, however, guarantee that library service direction is managed by knowledgeable community representatives who devote the time and energy to the work required. Our government would be remiss in not taking advantage of this expertise and commitment.

Furthermore, a library board of community representatives would be particularly beneficial in order to keep censorship issues from the political arena, where they would be difficult to deal with at arm's length. A board comprised mainly of city councillors would find it difficult to resist pressure from a vocal minority seeking to censor ideas and thoughts conveyed in library materials.

Volunteer library boards have been providing a valuable, cost-effective service for over 100 years in this province. The boards collectively spend thousands of hours of service each year in guiding the activities of public libraries and raising funds, at no cost to the taxpayer. They provide expertise and a level of attention difficult for busy councillors to provide. In many municipalities, board members assist with professional advice that many libraries could not afford to purchase, and often such professional advice is not available from councillors. There is no cost to the municipality for this service. We believe it is this truly voluntary nature of boards that attracts highly qualified and interested individuals in serving without remuneration.

Citizen library trustees working with local councils as described by the current act ensures accountability,

efficiency and citizen input. In order to maintain the high degree of involvement and success of library boards, we request that you consider requiring municipalities to set up library boards with a majority who are not members of councils. Such a composition would ensure an arm's-length relationship and continued community involvement in this much-valued and well-used public service, without loss of local control.

Mr Gravelle: Good morning and welcome. Thank you for your presentation. It's probably fair to say that of all the presentations we've heard in the last day and a half, the major issue that keeps coming up is the whole question of the actual library boards and the question of citizen participation on the boards. The minister has said publicly that indeed this is a compromise. There are some — AMO has said they would rather have no boards at all. Because of the downloading and the pressure that's being put on them, they'd rather not have library boards at all, whereas obviously a majority of people who are involved with the libraries themselves feel very strongly that a citizen majority is a very important idea.

It seems very clear that a citizen majority makes a great deal of sense and the minister's compromise I think is a way of simply setting up the fall of boards, which I think would be horrendous. What can you say to those municipalities that are concerned that having library boards in some way with a citizen majority are going to complicate the process? They are under pressure; there going to be those kinds of things. I guess what might be helpful to hear is that the citizen majority board surely would not be there to complicate the process for the councils. You make it clear in your brief they're valued, but what can you say to reassure the municipalities that that would not be the purpose of the boards? Indeed a lot of it you said already, but if you can amplify it, that will be helpful, I think.

Mr MacNeil: I don't know if I'm answering your question directly, but I know that the relationship we've had with our municipalities has been really quite good. I think the difficulty facing councillors at the moment is that they're taken up with a lot of very complex issues they need to deal with, and here we have a group of people from the community who — and in our case, we've worked very closely with the community in the last couple of years in developing a strategic plan. We've gone out to community groups and met with all of these community groups and determined their needs and what they would like to see the library doing. That's certainly not something the councillors have time to do, nor do they have the expertise. In working closely with council, the city and the municipalities, we're able to provide an excellent service. I don't know if that answers your question.

Mr Gravelle: Certainly it's helpful too, because I think the point is obviously the library boards with citizen majority can perform some functions that, as you say, are difficult for councillors to have the time for, let alone there's a sensitivity issue in terms of the whole question of censorship and other such issues. But I also think it's important probably to make some reference to the fact that the boards are not meant to be a complicating factor for the council in terms of these difficult downloading

times. Probably those people who are lobbying for the boards might want to make that point. They're not there in order to fight with the councils; they're there to work with the councils in terms of the realities of the day.

Mr Ron Eydt: May I please try?

The Chair: Certainly.

Mr Eydt: I may not answer it, but I can certainly tell you in Waterloo we have two councillors on our board. The minute we saw what was coming out, we said, "You can abolish all of us and do it yourself," and they said, "We don't have time." I like the idea of checks and balances, quite frankly, and I want to answer the question that Mr Stewart asked, "Why is there no board of one that's ever happened?" It's all forbidden by law, you know.

Mr Stewart: I appreciate that.

Mr Eydt: I didn't understand that when you asked the question. It is forbidden by law, and thus we have to be in existence.

Mr Stewart: And it's not going to change.

Mr Eydt: But we don't have to be in existence if the present legislation goes through. Okay?

Mr Martin: As my colleague has said, you certainly focus very clearly on a very important aspect of this bill. As we sit here and hear the government tell us, "Don't worry, be happy; everything is the same, nothing has changed," you ask yourself, "Well, why are we doing this, then?"

Municipalities, in our estimation and our read of this bill, will have the power to dissolve library boards, a power that previously rested with the minister. There will no longer be a requirement that libraries have to cease operations for two years before dissolving a library board. Combined with the power to determine library boards, this gives municipalities the unilateral power to shut down libraries. That's the logical extension of this.

They may say that won't happen. Well, we have an example in Ignace, where the municipality is now considering closing down a brand-new library that was built through volunteer effort, raising money in the community, charitable donations, a contribution from the provincial government. It's the newest building in town. The municipality is going to close that down, move the books over to the school and use that building as their municipal office building. That's the kind of thing that makes me nervous. The question I have to you is, in coming here to present today, what was it that drove you to make this kind of presentation? What is it that's making you nervous?

Mr MacNeil: There are a number of things that are making us nervous. We have a specific example of — I think somebody used the word — apolitical decisions, that it's important to maintain an arm's-length relationship. We had a bookmobile service that we were providing to the community. We were doing this as inexpensively as possible for us, but the numbers of people who were using the service continued to drop off, and the cost was beginning to rise because of maintenance on vehicles and so on. We made the decision to discontinue the bookmobile service. The small group that used our bookmobile service represented less than 3% of our circulation. A small group approached council and make a pitch

to council, and the bookmobile service was continued for another year.

We made the same pitch the following year, and finally we were able to discontinue the bookmobile service, but it cost the library very valuable dollars that we could have been devoting to other services that would meet the needs of the community much better.

1050

Mr Shea: The deputant who said that he likes checks and balances really caught my attention in terms of the democratic principle. Let me just give a bit of a preamble here, because Mr Gravelle has been at great pains to try to suggest that AMO has been saying that it wants to abolish boards. In fact, that is not what AMO said. AMO has simply come up with the democratic principle that if you pay, you say. Library boards don't pay; municipal councils pay. They are the ones that are constitutionally charged with the responsibilities of municipal financing and providing the appropriate services for their citizens.

In terms of the fiscal disentanglement that's going on — and, I might suggest, not just between municipalities and the provincial government but between the provincial government and the federal government — in fact there is a principle being sought for revenue-neutral.

Unlike Mr Martin's suggestions that "Don't worry, be happy" or the sky is falling in, I think there's a very clear, practical reality that the province is trying to address and that is, let us ensure that those who pay are accountable and that the citizens can clearly see who is to be held accountable. Mr Martin likes to talk about his classic case of Ignace, and I point out to you that indeed that's happening under current legislation, not under the future legislation.

I want to go to this point about checks and balances, because the last time I looked, it is the council that appoints the library boards, not the people. So I don't know when the library board suddenly became the check and balance on the council.

I want to go directly to an issue that's embraced in your presentation. I'm sensitive, and I appreciate the concern about citizen involvement, but I want to ask you, why do you have the impression that councils would not want to continue to tap into and indeed embrace and encourage a continuation of volunteerism? Whoever.

Mr Eric Bow: There have been cases in the past where councils actually have sought legislation to abolish library boards and make them committees of council, which wouldn't have had any voluntary —

Mr Shea: Okay. Now, do they have a right to do that? Not whether they should or should not, but do they have a right to do that?

Mr Bow: They can today. Under the present act, they can go to the Legislature and ask for a private bill that would actually dissolve the library board and make it a committee of council. It is the right of the Legislature to pass such a bill.

The Chair: I know you want to pursue this —

Mr Shea: Yes, I really do.

The Chair: — but unfortunately the preamble ate up some time. Gentlemen, I want to thank you for coming the distance that you did to make a presentation to the committee today.

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 217

The Chair: Would Jane Skinner please come forward or the representative from CUPE; it doesn't look like Jane is here, although I may be wrong. Good morning and welcome to the committee.

Mr Michael Robertson: Good morning, everyone on the panel. My name is Michael Robertson. I'm current president of our CUPE Local 217, the London Public Library employees. Arthur McClelland is second vice-president, and Valerie Chapman is our current treasurer.

The members of CUPE Local 217, the London Public Library employees, do not believe that Bill 109, Local Control of Public Libraries Act, 1997, hereinafter "the bill," will provide for inclusive and progressive library services in Ontario as stated in the bill's three purposes.

Taken in context with the myriad of legislative changes this government is proceeding with in education, health, labour and municipal statutes, it is our position that Ontario's public library system will be negatively impacted by the proposed changes this bill, if passed, would make to the Public Libraries Act, 1984.

The Public Libraries Act has nurtured and supported Ontarians' need for free and accessible educational and recreational materials for the past 146 years. Provincial library statistics reveal that 1,100 service sites welcomed 172 million visitations. This is a general average of seven visits per citizen. Well-developed collections of 28 million volumes help to answer the simple to complex queries of the public.

The London Public Library shared in this valuable service. In 1996 we answered over 633,000 reference questions, hosted 8,052 programs and circulated 3.8 million resource materials. We believe the 1984 act serves Ontario's communities well, judging by the latter data.

Minister Mushinski's intentions may be well-meaning when she said in her statement to the Legislature in January 1997:

"The province will continue to support the library system through partnerships, policy and funding of the province-wide network of shared resources, cooperative services and telecommunications links that connect Ontario's public libraries to each other and to global information networks. We want to ensure that our libraries continue to evolve and maintain their position at the forefront of the information revolution.

"Our libraries play an indispensable role in the education of people of all ages and abilities, and they make a significant contribution to the well-educated workforce which is one of Ontario's greatest economic strengths.

"This act will strengthen and safeguard our library system and help ensure that Ontario's libraries continue to play a central role in the lives of Ontarians."

These remarks would contribute more effectively to the upgrading and enhancement of the public library system if the bill did not seek to dismantle a well-established and visionary statute that we have in the Public Libraries Act, 1984.

Our concerns with Bill 109 include:

(1) The repeal of section 1, Public Libraries Act, 1984. In the bill's substitute definition of "minister to whom the

administration of this act is assigned," will this mean that the Minister of Culture, a logical designation, will lose the responsibility of public libraries? There is a certain ambiguity in this definition. It is our hope that "minister" will mean Minister of Culture, as stated in the Public Libraries Act, 1984.

(2) Section 2, dealing with the purpose as defined by the minister, "This clause has been introduced in order to describe and clarify the role of public libraries in a knowledge-based society and the role of the province-wide public network." Library employees have a very strong understanding of the role of the public library in society. We are glad to see the library's importance recognized in this statement. We do, however, question the operational reality of these tenets in the purposes:

"1. To ensure public libraries continue to successfully provide for Ontarians' information needs." We suggest deleting the words "continue to successfully." This clause will then echo the government's active commitment to this important service.

"2. To support Ontarians' requirements for access to educational, research and recreational materials in a knowledge-based society." Ontario's libraries have successfully fulfilled this mandate for the past 146 years and strive to continue. We endorse this statement.

"3. To allow Ontarians to benefit from access to local, provincial and global information through a province-wide public library network." We support the intent of this clause but have serious reservations as to how this purpose would be enacted, particularly when the grants to public libraries are being phased out. Libraries, especially in smaller communities, that would have used those funds to purchase communications equipment and ongoing upgrades to enable their patrons to participate in this network will either be very limited in access to the new technology or denied the opportunities to which the bill alludes.

Finally, is there really a need for three purposes? We suggest one mission statement for public libraries that would combine the best features of the three present clauses.

1100

Addressing board vacancies: Section 11, part I, of the Public Libraries Act, 1984, provided for notice of vacancies on library boards. The bill allows councils to appoint members to a board. This new process may be expedient to the needs of a council or board but it is questionably undemocratic. History would be repeating itself in a negative manner. Prior to the libraries act of 1984, closed board appointments were commonplace. The public did not have an opportunity to compete for such positions. We do not wish to have boards by appointment only. Maintaining public notice for vacancies is a much fairer process for citizen participation.

The section on bylaws: As this section reads, boards may be created by councils, but the direction and control of library matters continues to rest with the appointing council. Boards might well become committees of council under this bill. It is of great concern to us that the current requirement for a citizen majority on a library board would be eliminated by the bill. Councils that appoint their chosen members might not be able to serve their constituents' library needs to the best of their abilities if

they are simultaneously juggling several other municipal duties.

We would like to see the interests of the public and separate school boards maintained on the library board. We suggest that the bill retain the commonsense guidelines of the 1984 act, which established the size, composition, qualifications, vacancies, reappointments, disqualifications and expense reimbursement for board membership.

The powers and duties of the board: Whereas some members of the library environment may welcome these guidelines, we are more cautious. In section 10(1)(a), the phrase "the community's unique needs" may be taken rather literally. A library service should be inclusive of all needs in the community. We would suggest deleting the word "unique."

Section 10(1)(b), the phrase "may cooperate with other boards to provide a comprehensive and efficient public library service linked to the province-wide public library network." This option is questionable, especially when considering the massive funding cuts that have reduced public library and municipal budgets. Without funds to maintain the equipment to link into the provincial network, some communities might be denied access to the resources.

Section 10(1)(e), the phrase "shall regulate the time and place and the notice to be given for the holding of meetings of the board, the quorum at meetings of the board, and the procedure in all things at meetings of the board." As this clause reads, there is no guarantee for public attendance or participation at board meetings. The 1984 act clearly provided for public notice and participation at board meetings. We firmly endorse those provisions and call for their reinstatement.

Section 10(2), the passage "To the extent it considers it expedient, the board may,

"(a) use any outside services or personnel;

"(b) use or link into any financial, accounting or administrative systems; and

"(c) adopt the policies and procedures of the appointing council or councils."

Contracting out of library services is a very sensitive and stressful issue for library staff. This clause is equated with direct job loss and the potential for downgrading of high-level, competent service. Knowledgeable, well-trained and dedicated library employees provide the public with expert guidance through the constantly expanding information labyrinth. Hastily made decisions for the sake of cost-cutting do not result in the best products or services.

Under fees: "A board may charge for public library services in accordance with the Municipal Act and any regulations made under that act." The amendment of Ontario regulation 26/96 by regulations 217/96 and 382/96 of the Municipal Act allows the public free access to libraries, free in-house use of library resources, free borrowing of printed items and free use of specially formatted materials for disabled patrons. We are extremely supportive of these four clauses.

The majority of public library employees and members of the Ontario Library Association, however, strongly disagree with the provision for lending charges by material format other than those listed above. The bill

would allow councils to set their own arbitrary fee rates in the absence of a recommended provincial schedule. Would the public then experience a varying range of service fees from system to system? That would not be a desired solution.

The bill cancels regulation 976 of the 1984 act, which exempted items such as audio and visual resources from borrowing fees. If format charges are introduced, many citizens who are victims of social and economic difficulties may be denied the use of vital resources that have been freely available to them. This provision would contribute to the philosophy that information is a privilege for those who can afford it, not a right that should continue to be equitably available to everyone.

Grants: During the past two years public library services have been negatively affected by the reduction of operating grants per household estimated at \$24 million. To cope with this funding loss, libraries have limited service hours, cut children and adult programs and slashed collections budgets, which has reduced the availability of current resources.

The eventual phase-out of grants may eliminate the total library budgets of some Ontario communities. Without these conditional grants, and the loss of general transfer funds of some \$600 million, small community councils might find it expedient to use these financial pressures to justify the cancellation of library service as they struggle to balance municipal services. In spite of the minister's reassurance that a general reinvestment fund will help councils adjust to their new responsibilities, libraries are not guaranteed special consideration, as this funding can be applied to any service.

If economically weak communities lose their libraries, and the relatively strong systems are forced to downgrade services, we fear the result will be a provincial patchwork instead of a continued growth of a vibrant library network — a stark contrast to the intent of the bill's purpose.

Some final remarks: We cannot support Bill 109 as it exists. The government's intent is that we continue to enjoy the development of a strong public library system. The reality of this bill will be quite different. Increased council control, reduced citizen participation on boards, user fees, cancelled funding and potential library closures will contribute to a limited and weakened service alternative.

In an interview with the Quill and Quire, Minister Mushinski would not indicate how the bill would improve library service in Ontario. We sincerely hope this committee will convey to the minister the public's concerns and their suggestions for improvements to Bill 109 and public library service expressed in these hearings.

The Vice-Chair (Mrs Julia Munro): Thank you very much. Your presentation was exactly 15 minutes. I want to thank you for appearing today. We appreciate the comments you've made.

1110

JOHN MARTEL

The Vice-Chair: Will Mr Martel please come forward. Good morning, and welcome to the standing committee. You have 15 minutes in which to make your presentation.

Mr John Martel: Allow me to introduce myself. I'm a former warden of Essex county and, as such, I was a member of the Essex County Library board. I'm currently a member of the library board of the Windsor Public Library. I am now past chair — I was chairman for the past two years — and had been on that board for five years altogether. I'm also a member of the Southern Ontario Library Service board.

I'm coming to you today not representing those boards but as a private citizen who has been involved in a number of library venues, and I did not prepare something in writing. However, I've told Donna that I will e-mail a summary of my comments. I like to speak rather than to read.

Bill 109, from my perspective, is a very much improved act. I think it's a good act. It might need a little fine-tuning. I really agree with the focus and the thrust. I can really live with it the way it is; however, I think you should consider some tune-ups or some minor things. I cannot agree with people who say, for example, that this is going to be the death of libraries. I'm a little more broad-minded than that, so please take these as maybe suggestions for improvement.

First of all, I'm quite pleased to see the removal of a mandated board of education trustees or representation on the previous boards. Speaking from experience, at our board we found that to be a detriment rather than a benefit. It all depends on who is appointed.

However, I want to talk about some specific sections.

In regard to clause 6(a), about the size and composition of the board, may I suggest that you add a minimum and a maximum number for membership on boards. I suggest you look at at least three. We had some discussions at our Windsor public library board, and we agreed as a board that it should be a minimum of five and a maximum of nine.

If you did that and jointly added as well that you have a minimum citizen participation — I would suggest that if it's three, it be 30%, in other words at least one public member out of three, and if you have up to nine members, that it be 40%.

I think it should be mandated that there be some citizen-at-large participation. I don't think at all that it's required that it be a majority of citizen participation. I don't think that's necessary. I agree with the principle that if councils are paying for the library — with our library, well over 90% is being paid for by the city — they can appoint who they choose. To me, that is extremely important.

Knowing the good city and county councils in the past, if it's necessary to have more than 50% of councillors sit on the library board, perhaps because of problems or perhaps because they want to change direction, that's fine.

Having been on a county library board, I can tell you that it worked very well having a majority of council members on the board. I don't see it as necessary at all to go back to one or the other majority. If you say simply a minimum, I think that will work quite well.

In clause 6(b), under qualifications, one thing that's really important is that you put back in there, across the province, that there be Canadian citizenship or landed

immigrant status. I'm a firm believer that this is clearly very important. I'm not so sure about whether there should be an age requirement. I think some of the young people we have would do very well sitting on a board. Perhaps 18 years might be a minimum that should go there across the province.

The other comment I have is my preference would be to see residency status within the confines of the coverage area of that particular board, whatever it be. If it's amalgamated city, county or whatever it is, I think residency is an important factor in terms of qualifications.

In regard to fees, I agree with the section that allows municipalities to charge fees. I would like, however, a call for input on what exactly should be the core services that are so-called free — I don't think there is anything that's really free — and what services could be added on as enhanced service.

Let me give you an example: We have a very active friends-of-the-library group in Windsor. A lot of people are willing to pay a little bit of extra money in order to get into a selected book-of-the-month-club type of thing. What we are doing in the city of Windsor, very simply, is we're calling it a book-of-the-month club, and it's being operated as a subservice by the friends of the library. In reality, it's a library service. People are paying a couple of bucks extra money so that when the recent best seller comes out, there are more copies available through the friends group. Now, it's fine. The friends group is very good at doing this, but really I consider that a library service and we should be able to charge for that enhanced service, if you wish, of participating, of not having to wait maybe a month or two months to get the most recent best seller. So I'm saying to you, let's open the minds and so on and so forth.

People will say, "What about charging for a library card?" I think there could be a minimum charge for a library card. I don't see anything wrong with that. For people who are really worried that the senior citizen and the people on general welfare can't access the service because they would have to pay for it, I think the solution to that, very realistically and very simply, would be that if someone is on welfare or someone is a low-income senior citizen, they could be assigned a card by the welfare office as they would receive anything else. They could be assigned a card every year or every six months for whatever the term of time it is that they are on assistance.

Two other comments: One is on provincial interest. I think the provincial interest is extremely important, that it be maintained, and when I'm talking about provincial interest I'm talking about the ability for the province to set standards for service that should be maintained by all entities that call themselves libraries. There should be some minimum standards. If you have minimum standards, however, the province will have to fund a certain amount of money into those standards. That would be helpful, especially for the small libraries that have less than 50% funding at the municipal level now. They are the ones that are most likely to be hit hard by the cuts in grants.

I think the other part of the provincial initiative is to fund all of the infrastructure services that allow interli-

brary operations and the dissemination of information, for example the work that is now being done by SOLS, by OLS North and to a lesser degree by Metro reference library. I think it's very important a provincial database be maintained and that it continue to be funded, because that really benefits all the libraries of Ontario. I do, however, ask that the funding be equitable throughout the province for that. If you don't know, in the last rounds of cuts, it was fairly disturbing to see Metro reference library receive a 5% to 10% cut and SOLS and OLS North receive over a 30% cut in operating grants. To me, that really doesn't work very well.

I urge a continuation of capital grants, but I would tie to the capital grants enhanced dollars, if you wish, for libraries that basically go jointly with other ventures. In other words, that a library go into a school, be it a college, a university, a separate school or an elementary school, or goes in with a community centre. To me, the whole idea of joint ventures and having a one-stop shop for a lot of the services is very important and libraries should become part of that.

That summarizes my comments. Thank you for listening to me. I think the bill is good. If you just improve it in a few sections, as a member of the public and as a library user, I think you're on the right track.

1120

Mr Martin: Thanks for coming. It's indeed good that we hear from time to time from individuals speaking on their own behalf and not on behalf of an organization. That's helpful in this exercise. I agree with some of the recommendations you've made. As you may imagine, I have some difficulty with some other parts. Perhaps I can just summarize and then ask you two or three short questions that maybe you can just kind of bang off.

You're suggesting that there be, in terms of boards in the legislation, a recommended guarantee of a minimum number and a maximum number. So you're obviously in favour of boards and you think it should be defined to some numbers, but you're not supportive of enshrining a majority of community citizens.

Mr Martel: No.

Mr Martin: One of the questions I would ask you then is to maybe elaborate just a little bit more on that, why you would want minimum-maximum and to guarantee a board but at the same time not want a majority of that board to be from the community by way of citizens, as opposed to elected officials.

You talked about — this is something that has come up on a couple of other occasions — the issue of councils having a say because they pay, so they should have the right to appoint members to the board. It sounds a bit to me like the old patronage system of operating. I guess it lends itself to the possibility of abuse and also a lack of consistency, because as councils change, the potential there is to change whole boards of directors of libraries to suit the political flavour of that particular election. I'd just like you to maybe comment on that a bit.

The other one that jumped out at me and grabbed me by the throat is this issue of issuing special cards to people on welfare. Now we have in the library system a wonderful universally accessible resource for everybody who lives in a community. You're suggesting that maybe

we might set aside one group and give them cards so that when they come in they have to identify themselves as being on assistance. How do you do that without causing that kind of process to actually happen?

My last point is I appreciated your support for continued funding of regional services because, as you know, smaller boards particularly are going to be tremendously in need of support from larger boards and there's going to be a need for a cooperating environment to be out there, so I would certainly be in sync with you on that. I'll leave it at that. Maybe some comment from you?

Mr Martel: Let me go perhaps backwards, really briefly. I think the issue of provincial funding for specific projects is extremely important and it needs to be maintained. In regard to the issuing of library cards, the libraries don't need to know who issued the card. The library management issues cards; other cards that are exactly the same can be strictly issued by community and social services of the particular municipality. There would be no identification which would change on that particular card.

About a year and a half ago we actually looked at that possibility to see if it could be done. We talked with our head of social services in the city of Windsor. It could very easily be done. Library cards should have a limit.

The Chair: Sorry to interrupt, but members should try to keep their preambles a little shorter because it does not give enough time to question.

Mr Toni Skarica (Wentworth North): One of the criticisms of the bill we've heard this morning is the fact that there's a possibility that citizens will not have a majority on the boards, probably a real possibility. If elected representatives form the majority of boards, what impact would that have, either positive or negative, on the library system?

Mr Martel: None. County library boards have operated for years with a majority of elected officials and I was part of that. Having been on the council before, I can tell you that councillors are extremely busy. Most councils will be very happy to let a library board operate with a majority of citizen participation. It's only in extreme circumstances that they would want to sit in and to take over the majority for some specific things. Otherwise, I think it would work very well if you have a minimum, as I said, of 30% or 40%.

Mr Gravelle: Thank you very much, Mr Martel. You said at the beginning you're generally supportive. You don't think this legislation will result in closing branches, but we've talked already with somebody this morning from the small public libraries who said that in terms of the provincial operating transfers, when they are cut off, there are at least 30 local communities that will just lose their libraries because the municipalities can't support them.

I wonder if you can clarify, because I heard you make some reference to that specific point and perhaps I didn't hear it clearly enough. But if you could clarify what your thoughts were on that, because those seem to be just simply the facts, that when the provincial money is gone, the operating funds are gone, at least 30, and we think many more, may just simply have to close because they haven't got the support from the municipalities.

Mr Martel: I dealt with that under the provincial interest type of thing. Under the provincial interest, I think the province should take a look at the funding level and the small libraries that are funded currently at less than 50% by municipalities should be looked at for special grants. That was my suggestion.

The Chair: Thank you very much, Mr Martel, for coming forward and making your presentation today.

OXFORD COUNTY LIBRARY

The Chair: Would Trevor Cuthbert please come forward. Good morning, gentlemen. Welcome to the committee.

Mr Trevor Cuthbert: Mr Chairman and committee members, my name is Trevor Cuthbert. I am the chair of the Oxford County Library board. Sam Coghlan who is our chief librarian. The board has requested that I address this committee on the board's behalf.

Oxford County Library board would like to inform the committee of two concerns it has regarding Bill 109. The first is in regard to the proposed new subsection 5(1), which will require Oxford County Library to undergo an unnecessary expense in changing its name. This is economic reality time. The board's second and greater concern is with the proposed new section 14 of the bill regarding fees for library service.

Subsection 5(1): The proposed new subsection is apparently intended to provide more flexibility in the naming of a public library. It would remove the requirement that the name of a public library include its municipality's name. However, it would also alter the requirement as to what must be included in a public library's name.

The existing Public Libraries Act requires that a county library be called "your name here County Library," that the name of a union library end with the words "Union Library," and that others be named "name of municipality Public Library."

Subsection 5(1) as proposed would require that county libraries and union libraries both adopt the same naming practice as the others. It would require that all public libraries end their names with the words "public library."

Oxford County Library is, of course, named in accord with existing legislation. Our name is Oxford County Library, as it has been since the library's creation in 1965, 32 years ago. The frivolous bid of Bill 109 to pull a superficial veil of bland uniformity over library nomenclature will make it necessary that we change our name to whatever we want, followed by "public library."

The closest that we will be allowed to approximate our existing name will be if we call ourselves the Oxford County Public Library. This will be an unhelpful and otherwise unnecessary expenditure of dollars and staff resources on matters such as changes of address and amendments to legal documents.

Oxford County Library board requests that the proposed subsection be amended, either by deleting the word "public" or by adding a grandfathering clause whereby existing county libraries can retain their existing name.

Section 14: The Oxford County Library board believes the province should pass Bill 109 in a form that truly

reflects its short title, the Local Control of Public Libraries Act, 1997. Local government must be given the choice of whether to charge for public library service or not.

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Bill 109 cannot be considered in isolation. Bill 109 must be viewed in the context of the several legislative changes that have been introduced as a result of the government's so-called mega-week announcements. The fact that section 14 makes reference to other pieces of legislation, ie, the Municipal Act and the regulations thereunder, demonstrates the degree to which all these legislative actions are interrelated.

A principle that should temper the extent to which responsibilities are shifted between levels of government as part of mega-week should be the principle of "pay for say." In other words, if either level of government is going to be involved to a substantial extent in setting policy regarding a particular service, that level of government must contribute to the funding of that service.

The new section 30 proposed by Bill 109 will eliminate the requirement that the province contribute to the funding of libraries. Coupled with the short title of Bill 109, the Local Control of Public Libraries Act, the proposed section 30 makes it clear that the general intent of Bill 109 is to devolve control of public libraries solely to local control.

However, the second half of the proposed section 14 clearly contradicts this general intent: "A board may charge fees for public library services." Fine. The first half of the proposed section 14 is acceptable, as it places the decision at the local level. But Oxford County Library board's support for section 14 as proposed cannot extend to its second half: "in accordance with the Municipal Act and any regulations made under that act." Although the province will cease paying, it expects to continue to say what a public library can or cannot do.

Oxford County Library is a county library, meaning that we serve a largely rural area. We operate 17 branches, with a minimal draw on the tax dollar. We serve just over 50,000 residents of one town and five townships. We combine administrative efficiency, through centralization where appropriate, with an emphasis on local responsiveness to local need.

Oxford County Library continues to maintain at least three branches per township, because that is what local people want. We think of our library as one big library with several small rooms, with the rooms happening to be in different communities.

We have been struggling for several years with the same fiscal challenges that confront the provincial government. Raising taxes has not been an acceptable option for addressing the pressures of increasing prices, pay equity, increasing demands of government regulation and increasing demand for service. We have had to exercise that spirit of innovation mixed with cautious empiricism — "I'll believe it when I see it" — that characterizes the best of the rural attitude.

Oxford County Library recently moved one branch into a local school, sharing space and resources with the school library. We recently made arrangements with a local community volunteer group in the hamlet of

Harrington whereby they will operate a local library service using volunteers and we will provide the books. We have secured one-time funding of over \$500,000 from the federal government to provide Internet access to our rural communities and to initiate local partnerships that will minimize ongoing costs, while strengthening Oxford county's status as a learning community.

Oxford County Library board has recognized the need to develop different ways of doing what must be done. We have begun. Why must provincial legislation go so far in denying us the flexibility to make, locally, the decisions that are best for our local communities?

Oxford County Library board recently considered a proposal to close 13 of our 17 branches. Public response to this idea was uncharacteristically vocal for quiet Oxford county. People told board members and local politicians in no uncertain terms that their local library was important to them and vital to their community. They also said they would be willing to pay user fees.

The committee has heard, or surely will hear, arguments that public library service provides a benefit to the community as a whole and that the barrier to public library service created by user fees compromises that benefit. Oxford County Library board believes that the decision as to the value of public library service is a local decision. However, if the Legislature disagrees with the Oxford County Library board and states that it is a provincial matter, a significant inconsistency must be pointed out in Bill 109.

Despite attributing a value to public library service that has provincial significance, Bill 109 would continue to maintain public library service as permissive, rather than mandatory, for local governments. Surely, before the province insists that public library service be free everywhere, it should first insist that public library service be provided everywhere.

A further inconsistency exists between Bill 109 and the draft regulation to amend O Reg 26/96 made under the Municipal Act, which has been distributed by the Ministry of Citizenship, Culture and Recreation. This draft regulation would require that a public library provide its service without fee only to residents. Surely, if the principle of free library service is important enough to be enshrined in provincial legislation, application of the principle should not include a limit that could further the balkanization of library service between municipalities.

Finally, Oxford County Library would like to stress the third inconsistency. The province insists on declaring a provincial interest, yet refuses to retain responsibility for some level of funding to support that interest. The government may contend that the province has such an overriding interest in library service to protect the principle of free public library service. The government has argued that such matters of principle could create the necessity of establishing a provincial policy where provincial funding is not forthcoming.

Even if situations exist whereby the province can demand a say without any pay — a possibility which Oxford County Library board does not concede — free public library service is not such a situation. User fees are not simply a matter of principle. User fees are a source of revenue. If the possibility of utilizing this

revenue source is going to be denied us by the province, in all fairness the province must provide an alternative. "Pay for say" does apply in regard to user fees for public library service. In the absence of a willingness to pay, the province should not attempt to impose its say.

In closing, the problems that Oxford County Library have with Bill 109 can be summed up by contrasting its short title and the purpose behind Bill 109. The proposed new section 2 states its purpose. It does not contain the words "local control."

Oxford County Library board requests that Bill 109 be altered to reflect its own short title and to remove any provincially imposed limitations on the ability of local authorities to make the decision whether or not to charge user fees for public library service.

Thank you very much for your consideration of our submission and my quick reading thereof.

Mr Young: Thank you very much for an excellent presentation. I want to ask you a question to which I think the answer was in here, but sometimes you're reading and listening at the same time. You're right: In the purpose preamble of our bill, we agree with more local control, that you have the pay and you should have the say. That's what the bill is trying to do. The minister tried to strike a balance in what she heard in her consultations and with concerns like yours. Can you tell me more specifically, or perhaps in different language, exactly where in the bill we are preventing you from having local control? How are we doing that?

Mr Cuthbert: The economic reality of the library system is that, number one, it is not free. It never has been free and it never will be free. We in Oxford county are running this year on funding per capita of around \$15. This compares really favourably to places like London, Toronto, Brantford, Kitchener, that run about \$40 per capita. The economic reality is that whoever pays controls the library, and we have reached the stage this year in Oxford county where we do not have a book budget. In other words, we are running the library for a year without being able to purchase books.

Mr Young: So you might want to make the choice to close a branch and buy more books.

Mr Cuthbert: There's no money in it. There is no choice. The choice comes down to the funding.

Mr Young: I want to make a positive comment. Your idea of moving a branch into a local school and sharing the space and the resources is extremely innovative. It's the kind of thing that other areas should be looking at. There's only one taxpayer, and if you can get more books and more information into more people's hands, that's the way to go. Those are very innovative things you're doing, and I congratulate you.

Mr Gravelle: Thank you, Mr Cuthbert, and hello, Sam. We're old friends from Thunder Bay.

At this stage, what amount do you receive in operating funds from the province?

Mr Cuthbert: For this year? Around \$112,000.

Mr Gravelle: In terms of losing \$112,000 within the next year or so, based on what you're saying, do you anticipate that user fees in whatever form can make up that difference?

Mr Cuthbert: We have no idea. The situation we face is that in our budget for 1997, the municipality is not providing funds to cover the loss of the provincial grant.

Mr Gravelle: That seems to be pretty common.

Mr Cuthbert: But it also happens to be our book budget, almost dollar for dollar; consequently, in 1997 we are not buying books. We have a library system, and the books are essentially its reason for being, and it can't buy books. The only solution you can provide, as far as all the other deep philosophical arguments as to board makeup and stuff like that, is that you provide consistent funding, enforce consistent funding, or get out of the road so we can do what we have to do to survive.

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Mr Gravelle: But do you not feel there should still be some provincial involvement in funding, in terms of the whole educational —

Mr Cuthbert: It's moot. We either have the funding and we're going to survive, or we're not going to have the funding. You either lead, you follow or you get out of the road. What we face at the moment is a situation whereby over the last 10 years our funding has decreased on a usable dollar basis in terms of support of the library, and we've reached the stage now where we cannot purchase books. This is a reality. We are starting our begging for books phase now. We don't want economic shackles placed on us where we have to survive. It's really easy to look at budgets when you're working on \$40 per capita. When you're down to \$15 per capita, it becomes reality. That's the reality we have to live with and we see this legislation as imposing shackles on us that we don't need.

Mr Martin: I appreciate the honesty and the bluntness in this presentation, because I think you hit the nail right on the head. This is about downloading; this is about the provincial government getting out of the business of delivering library services. What you're saying is, "If you're going to do that, give us the tools to make the decisions we need to make." Those decisions may not be pretty or acceptable or what you, in your heart of hearts, if you have a commitment to library services and universal access, would necessarily in the best of all possible worlds want to do. I think we need to be clear about that, that this is going to cause tremendous shifts, is going to cause some pain, particularly to those at the local level who are trying to make do.

There's one piece in your presentation that we haven't heard before, and with your very real understanding, I'd like you to expand on it a bit. That's the change of name. Why? How does this fit in? It seems to be out there as a bit of an anomaly, but perhaps it isn't. Do you have any thoughts on that?

Mr Cuthbert: It's going to cost us money and it serves no purpose. We have to redo all sorts of signage, we have to redo all sorts of paper and legal documents and start worrying about something that is ephemeral; it's a piece of fluff.

Mr Martin: Chair, perhaps we could ask somebody in the government to explain why it is that the government is doing this so we can all understand.

Mr Cuthbert: You mentioned one thing at the start about the downloading. I don't believe the downloading

can be blamed entirely, in that this has been occurring in Oxford over the last 10 years. In 1985 we were running a book budget of about \$150,000, and by 1996 it was down to \$100,000; allowing for inflation, it was down to \$75,000. That hits three different governments, so that's not the issue. What is the disparity that exists between the cities and the country, in that most cities have funding at the level of around \$40 per capita, give or take, while the average for county libraries in 1995 was about \$26 per capita. There is the big problem right there. The average for book inventory turnover in 1995 was running around five to seven years. In Oxford county, it runs 149 years.

The Chair: Mr Cuthbert, I'm sorry to interrupt, but we're well beyond the allotted time. Thank you very much for coming forward and making your presentation.

MIDDLESEX COUNTY LIBRARY

The Chair: Would Margaret Rule please come forward? Good morning, and welcome to the committee.

Mrs Margaret Rule: Good morning. My presentation is quite short, which I guess leaves me on the firing line for questions, but it's comforting to be situated in the program between our county library to the east and our CARML group, county librarians throughout Ontario.

My name is Margaret Rule. I am the CEO for the Middlesex County Library board. As you no doubt are aware, Middlesex county is the upside-down horseshoe area that surrounds the city of London on three sides. Our library system serves a rural population of 48,700 people through a network of 18 branch libraries, eight book deposits, and a direct-to-mailbox service.

The board has directed me to speak to you regarding three areas of the proposed legislation; the first one is the governance issue. The Middlesex County Library board has no objection to the proposed governance changes. As a county board, we have successfully operated with a majority of county councillors, four, and a minority of citizen appointees, three, for many years. We work very closely with county council and in many ways function as a committee of council. However, our citizen appointees bring a valuable perspective to the board and they are most often library users, whereas the councillors are often not themselves library users. The board chair reports monthly to county council, and I participate on county staff committees as a department head. The library works cooperatively with other county departments and the county administers our accounts and payroll. Our employees are considered county employees.

The second item is fees for service. The Middlesex County Library board provides an excellent basic library service. That's a very objective opinion, of course. We lend books and other materials through a shared collection, we offer reference materials and some staff assistance at the larger branches and, by referral, to a shared, enhanced reference collection and expertise at our library administrative office, preschool story-time programming and a summer reading program. We participate in the province-wide interlibrary loan network. We offer direct-to-mailbox service for the visually challenged and homebound patrons. At nine branches we offer public-access Internet, which gives our customers access to the

London and area job bank. At three branches we have electronic reference resources such as CD encyclopaedias. At all branches we provide electronic access to the Middlesex County Information Network; this is a database of human services available to our residents.

We do not believe that charging fees for a few library services will be practical or in the best interests of our ratepayers. In any case, they will not enable our board to generate significant revenue. Opportunities for revenue generation are fewer for rural library boards. In saying that, we do fund-raising for branch and collection needs and we make extensive use of volunteers, cooperative placements and community service work.

The proposed legislation distinguishes between print and non-print information for the purposes of free or fee. The world is moving towards electronic delivery of information. An example that came to mind is that the Canadian Encyclopedia new edition is now available only on CD. All levels of government are moving towards electronic delivery. As previously stated, we offer access to the London and area job bank of Human Resources Development, Canada, at nine branches via the Internet. The Middlesex County Library board believes that information is information and there should be free use of all library materials regardless of format.

The final area of comment is the provincial operating grant. In 1995, the provincial per household grant of \$174,000 to our board represented 18% of our operating budget. If library service is to continue at its present level, county council will have to make up for the loss of the provincial per household grant as proposed in the legislation. County council has done this in 1996, when \$35,000 was cut, and again in 1997, so we have not received funding cuts as a result of that because our local council has chosen to make it up.

But the situation may provide a difficult climate for Middlesex County Library in the future. As competition for the tax dollar intensifies at the county and municipal level, our library may not receive sufficient funds to maintain services. However, as a county library system, our supporting municipalities are sharing resources to provide the best possible library service. We believe that our larger unit of service and our cooperative approach, which has been in place since 1963, by the way, fits the philosophy and spirit of the 1990s and beyond. Those are my board's comments.

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Mr Gravelle: You clearly have a county council that's very supportive of the library in terms of making up the \$35,000 in the last two years. Have you or anybody on your board had an opportunity to talk to them about whether they are going to be able to maintain this support with the operating transfers being cut and then completely eliminated? Do you have any sense of that?

Mrs Rule: It all depends on how the transfers, the dollar amounts, weigh out. If we have to make up funds for social services or roads or some of those other services, it will be hard I think for the library to keep its foot on the line, so to speak. Having said that, council is aware of the great public support there is out in the county for its library system. I think they're aware that it is a very appreciated service, but it is perhaps considered

less essential than some of the other services county council provides.

Mr Gravelle: That's certainly one of the concerns we've expressed, that when you're putting the municipalities in a position where there really is a competition between needs, whether it's road repairs or seniors' homes or libraries, one can say they want to maintain the support, but competing interests can be — we certainly think that's wrong. What we keep hearing in the presentations, especially from the county — and I think Oxford county was much the same too, although they had a different approach in terms of just freeing things up, but you make it clear that user fees will not make up the difference.

What are we looking at? Unless the province maintains some kind of provincial support, and the counties can't do it, are we looking at reduced service? The minister keeps saying in her comments that this is going to improve the library service. I just find it impossible to understand how that can happen unless there is a maintenance of some kind of provincial funding support.

Mrs Rule: Yes, I think it's going to be difficult, and if the tax base erodes and you start imposing fees, people are going to say, "What do I get for my taxes that I'm paying to support the library system if I have to pay a fee to access materials?" and so on. It's just a worrisome unknown for those of us who work in libraries or serve on boards.

Mr Gravelle: Have you started developing contingency plans? You don't even want to spend your energies on that, I wouldn't think, but have you found yourself being forced to do that simply because the legislation could put you in a position where it's going to be impossible to maintain the kind of support you've had?

Mrs Rule: We've been moving into a contingency mode for about the last five years because it was obvious changes were coming in municipal services. We're trying, but the public doesn't want a fundamental change in our service delivery. They're not prepared to give up their small branches in the county. Our book budget is one area and salaries are our other big one. We've retooled and redesigned as much as we can. I guess there's always more one can do, but it's going to be difficult.

Mr Martin: Thank you for coming. You raise some interesting questions. You make the point at the end of your presentation that over the last two years you've had a reduction of approximately \$35,000 and the municipality has picked that up. You refer to the fact that there has been over the last number of years a move towards a downsizing of different services because of the lack of money in the system.

The presenter before you from Oxford raised that question as well, the question of money. We have not, though, in our history seen the kind of downloading that is being proposed now, which will see municipalities that contributed last year \$35,000 to your pot having to absorb the cost of health services, social services, ambulances and fire services in the massive way they're going to be asked to do. Anybody who's done the numbers will tell you that the room that was freed up by way of the education tax will not cover that. So you in Middlesex country are going to find yourselves in a very difficult

situation and are going to be faced with some very difficult decisions. I think that was pointed out very clearly by the presenter before you.

When I look at what you offer now by way of 18 branch libraries, eight book deposits and direct mail, that's a very integrated, complicated and probably important service to your community. No government has ever, that I can remember, decided to close or limit library access or services in order to give a tax break to a few of our more wealthy citizens. What are the difficult decisions as you anticipate what's coming at you, that the Middlesex County Library board will have to make in order to deal with this if changes aren't forthcoming, if this government is not willing to change its mind re the provincial contribution to libraries?

Mrs Rule: As I mentioned, the two significant areas of our budget where we can recoup big dollars if we need to are salaries and the book budget. If we cut the book budget, what business are we in? And the salaries? We're a service organization. We'd have to have fewer outlets or open fewer hours throughout. In our branches, we have one branch two hours a week, that's a small library; the largest one is 27 hours a week. You tie up your resources if you're not open. You've got all your resources inaccessible to your ratepayers. Those are the difficult areas.

Mrs Munro: I want to, first of all, just remind you that, when you were talking about the issues that Mr Martin raised, of course the notion that this would not work out equitably for Ontario's taxpayers is clearly a fundamental issue in terms of this government. The idea of having a contingency fund where people would have access to moneys, where there has been an imbalance, obviously is part of that whole process.

I want to talk about an issue that you've raised under the province-wide interlibrary loan service, because the suggestion of this in your presentation identifies it as primarily a book service and yet on the next page you talk about the importance of the new technologies and information. Some of the issues that presenters have raised have neglected this particular aspect to the provincial role and I wonder if you would like to comment on what you see as a benefit in that new technology by the province taking that leadership role.

Mrs Rule: The province has certainly taken a leadership role in providing an Internet home page, the Southern Ontario Library Service home page, which is pulling together resources that are useful for libraries and for reference and so on, and also making available Internet accounts. For two years we haven't had to pay from our operating budget for some staff accounts to the Internet. So that's been very useful. The electronic network I think will be as important as the book interlibrary loan network as we move into the next century. Certainly we're going through a transition; the same thought process, but it's in a different format.

Mrs Munro: Do you see that as giving you some opportunity to create some efficiencies and provide better service?

Mrs Rule: Definitely, and it certainly links us together. We feel very much more connected I think when we have an electronic way to talk and share.

Mrs Munro: If I have one final opportunity here, I'm just wondering, when you were talking about the support

that you've received from the county in the kind of funding, do you see that they appreciate the need for this electronic information, and accepting their appreciation of that new direction, do you see that they would translate that into continued support for your role?

Mrs Rule: Yes, I do. In fact as I mentioned, I function sort of as a department head within the county staff structure. We're in the midst of planning a wide-area network for Middlesex county that would connect local municipalities, local branch libraries, our county administrative office and the county library, the home for the aged and so on in a wide-area network. That I guess has been a strategy our board has had, which is to make us part of the county to the point where we can't just be cut off because we're integrated into the operations of what the county is doing.

The Chair: Thank you very much for coming forward and making your presentation today.

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COUNTY AND REGIONAL MUNICIPALITY LIBRARIANS

The Chair: Would Ed George please come forward. Mr George, welcome to the committee.

Mr Ed George: I'm here representing CARML, the association of the chief executive officers for the 17 county libraries in Ontario and the one library cooperative. The presentation I have for you this morning follows the order in the Local Control of Public Libraries Act. I'll just highlight some things for you.

Our first point is that we have some concern about the inclusion of the words "continue to successfully" in the purpose clause.

The second point is of concern, especially to county libraries. Under subsections 3(1) and (2), every county library and county library board already operating is continued. Therefore, naming the county of Oxford, which is already operating a county library and has a county library board, in subsection 4(3) seems incorrect and serves to confuse the point that this section applies only to jurisdictions that have not already established a county, regional or district municipality library. That's something that needs to be clarified. Furthermore, CARML very strongly endorses the inclusion of regional municipality libraries in subsection 4(3). You'll note that the Wentworth and the Waterloo regional municipality libraries are members of CARML.

Point 3 warrants a lot of thought as well. Bill 109 in many ways does not seem to anticipate the significant restructuring currently under way among municipalities at both the upper and lower tiers. I'm sure you're aware that in Kent county there's a county library, and they may very well become a model for restructuring in other counties with or without county libraries throughout the province. One of the two proposals of Commissioner Peter Meyboom will be implemented: a one-tier municipal system which would consolidate Kent county and city of Chatham; or a two-tier system which consolidates the 21 municipalities in Kent county into five and maintains the municipality of the city of Chatham.

Under this Local Control of Public Libraries Act, subsection 4(3) makes no obvious provision for the

single-tier situation. With the reduction in the total number of municipalities — Kent going from 21 to five — the dynamics of the two-thirds provision would be very different than they have been in the current act.

Furthermore, Bill 26, the Savings and Restructuring Act, provided that service delivery could be done at an upper or a lower tier. The implication is that this service delivery would be for all municipalities, not just those requesting it. To use my own municipality county library as an example, we have 21 municipalities, but because the Public Libraries Act has been permissive legislation, two of those 21 municipalities operate their own library service; they are not members of the Essex county library system. This provision under Bill 26 was reinforced by the voting procedure, which calls for a simple majority vote of the local municipalities with a majority of the electors and the approval of the county.

CARML supports making county library service an upper-tier responsibility for all the municipalities that are part of the county or regional municipality, for existing county libraries and those that may be established in the future, and requests that references to non-participating municipalities be deleted.

As you heard in the presentation from Oxford, CARML raises the issue about the name as well. Obviously, we too feel it's an unnecessary expense.

Number 5 you've also heard from presenters about. The fact is that county libraries under the current act may have a majority of county councillors. In fact, I believe all county libraries do have a majority of county councillors, not citizens. We would suggest that there's no empirical evidence to support the contention that this board composition is less effective or defensive of intellectual freedom than boards constituted differently. Beyond ensuring that the resulting library board is representative of the community and that no member is employed by the board or by the county or regional municipality, CARML has no concerns with section 6.

Our sixth point is probably something you've heard a lot about as well: section 14. We understand that it's an attempt to compromise between access without charge to the library and its resources and the revenue needs of the library, especially given the elimination of the provincial operating grants to libraries. However — and I hope other people are making this point — CARML would prefer that such regulation for fees be made under the Public Libraries Act and not the Municipal Act. This would hopefully mean that library boards and staff who are directly responsible and must manage the library's financial and daily affairs and are the most knowledgeable about the library's operations are fully consulted about such regulations.

The regulations currently proposed are a case in point. They permit residents to borrow books and other print materials and residents with disabilities to borrow special-format materials without charge. Since county libraries are still primarily lenders of print material, such a change will generate a relatively insignificant amount of money, certainly only a fraction of the amount lost from the elimination of the provincial operating grants. In short, the minimal amount of revenue that would be generated through such charges by most county and regional

municipality libraries would not be worth the administrative problems that would be created.

Furthermore, there's the whole issue of the format, which I'm sure you've heard about. You've heard that the Canadian Encyclopedia, for example, is only updated on CD-ROM. Our library system in Essex county operates 15 branches and we already have a wide-area network in place, and we use CD-ROMs that are centrally located in many of our branches. The technology today really is conducive to our kind of operation, so we don't feel it's appropriate to charge based on format. Obviously, that's the trend today, to increase technology, and we think it's shortsighted to just exclude the charge for lending books from this piece of legislation.

Number 7 is an issue that concerns county libraries in particular. We're very supportive and very pleased with the repeal of section 21 of the Public Libraries Act, which required county library boards to have the agreement of both the county council and the local municipality that operated a branch library before the county library was formed in order to close that branch library. Obviously, many county libraries have been in existence for 30 years or more and there have been demographic changes in that time. Not only have there been population changes, but the closure of the least effective and efficient branches might be possible through the repeal of this section. What often stands in the way of that now is the political interests of individual municipal councils. Hopefully, this would encourage the strengthening of the remaining branch libraries and consequently a stronger county library system overall.

Finally, CARML obviously regrets very much the end of the provincial operating grants to all libraries, providing, as it did, a minimal base for financial support across the province as well as a recognition of the additional costs of serving large geographic areas by county and regional municipality libraries and libraries in northern Ontario. We know their demise will mean disruption in some county libraries, especially in those areas with low property assessment.

At the same time, CARML advocates larger units of service, like county and regional municipality libraries, as the most effective, efficient and equitable way of providing library service. If, in the long run, the end of provincial operating grants for libraries does result in large units of service, CARML accepts the loss of these provincial operating grants.

Hopefully, you are aware of the Ontario public library statistics. I've appended a page that shows the fact that for the 17 county libraries, the population served is 1,034,000. Of course you have the situation where you have 300 libraries for the under 5,000 population and the 5,001 to 15,000 population, serving not very many more people. That's the difference between 300 libraries and 17 libraries, and that's the point we're trying to stress in our presentation under point 8.

1210

Mr Martin: Thank you very much. Just a logistics question: CARML is the CEOs of all these libraries?

Mr George: The 17 county libraries in the province plus the county cooperative in Simcoe.

Mr Martin: What role do you play in the coordination — is this just a professional organization, or is it an

organization that actually has a mandated role by the library systems to do certain things?

Mr George: It's a voluntary association. We, as the managers of the county libraries in Ontario, get together to discuss issues of mutual concern.

Mr Martin: I take it, then, that in presenting your thoughts today, they're your thoughts, not necessarily the thoughts of the individual library boards.

Mr George: No, it doesn't reflect the boards, necessarily.

Mr Martin: There are certainly some things in here that would fly in the face of what some of the folks are saying when they come forward, for example, the very strong and passionate plea for local control, for small communities to have control over their libraries, to have citizenship participation on the boards.

Mr George: We're speaking as administrators of the libraries.

Mr Martin: You're saying here that in the worst-case scenario, if we lose the money, it would make more sense that we operate as a regional. Perhaps you can tell me, would you get some resistance to that from some of your member organizations?

Mr George: Obviously, those libraries that are independent now would resist it. I think it's very much a personal, emotional reaction to that situation.

Mr Stewart: Thank you, sir, for your presentation. I want to clarify one thing I said this morning, when everybody was shaking their heads when I asked people if one-person boards had ever been set up before. I want people to know that a local municipality can now petition the government to get rid of a board, but very few have done it because they realize the importance of the citizenship participation. I wanted to clarify that.

Can I ask you what the makeup of your board is now?

Mr George: It's a seven-member board, with the warden of the county, three members of county council and three citizens.

Mr Stewart: Do you foresee that changing, getting away from citizenship participation, if this act were to go through?

Mr George: Speaking personally, I think it's unlikely.

Mr Stewart: Because of the good input that the citizens have. So there really should be no change in that whatsoever.

Mr George: I can give you a better example. In the county of Lambton, which had a private member's bill passed to make it a committee of council, they retained their citizen appointees on that board even though it's now a committee of council.

Mr Stewart: That's what I was referring to in terms of getting rid of a board now.

Mr Gravelle: Good morning. I want to clarify how the larger units of service would make up for the loss of provincial operating grants. How do you see that working?

Mr George: As you heard from my colleague Marg Rule, we also have been fortunate. The county council has made up the shortfalls. The reason we were able to implement the wide-area network was because we received \$640,000 in infrastructure money, a third of which would have come from the county of Essex as their share of that.

Mr Gravelle: But there's no guarantee of that being —

Mr George: No, but there's no guarantee for any service, be it roads, be it social services.

Mr Gravelle: But is it realistic to have the entire provincial operating grants made up? That strikes me as somewhat unrealistic.

Mr George: I guess it's a question of how much the public values the service, and as you've heard, the public does attach a lot of importance to it. Certainly there's support for maintaining branches in our system, and I think the elected people will respond to that.

Mr Gravelle: But I presume you would argue that provincial operating grants should be maintained?

Mr George: In a perfect world we'd all like additional sources of revenue, but as our brief points out, if it's going to encourage larger units of service, we're prepared to live with the loss of those funds.

The Chair: Thank you very much, Mr George, for coming forward and making your presentation today.

We'll be in recess until 1:30 this afternoon.

The committee recessed from 1216 to 1330.

The Chair: Good afternoon, ladies and gentlemen. Welcome back for the afternoon session. Mr Gravelle has a point of order he wants to get to.

Mr Gravelle: Although I want to express my appreciation to the parliamentary assistant for his efforts to clarify some issues, I wanted to, if I could, put in writing the questions that we have, which I'll pass over to him. This reads as follows:

"Questions to the parliamentary assistant:

"(1) As many presenters before this standing committee have expressed confusion and uncertainty as to the rationale behind the exclusion of clause 28 in the draft legislation of Bill 109, would the Minister of Culture please clarify by indicating:

"(a) the legal ramifications of removing this clause in terms of confidentiality of information for libraries;

"(b) the legal framework that would serve to protect the confidentiality of libraries and library patrons;

"(c) whether the exclusion of clause 28 enables the selling of library membership lists for profit.

"Would the minister further endeavour to make this clarification in writing prior to the close of public hearings on Bill 109.

"(2) As many presenters before this standing committee have expressed confusion and uncertainty as to whether library boards operate as corporations as defined under the Corporations Act, would the Minister of Culture please offer a definitive legal opinion on this matter prior to the close of public hearings on Bill 109."

The Chair: We're not going to engage in debate on those. I know Mr Shea answered some of those verbally at one point; not all of them. So the desire now is to get a written brief back, written answers to those, as soon as possible.

Mr Gravelle: I'll be happy to pass this to Mr Shea.

The Chair: Sure. You can do it instead of getting the clerk moving around; you might as well just walk them around. Mr Shea, you can endeavour to look after those questions.

Mr Shea: Chairman, I would be very pleased to respond to his questions in a formal sense. I appreciate his acknowledgement that it has been done verbally already.

BILL ARMSTRONG

MARTHA JOYCE

The Chair: Mr Armstrong, I apologize for the delay. Welcome to the committee. You have 15 minutes to make your presentation. I would ask that you introduce your companion at the beginning of your presentation for the benefit of committee members.

Mr Bill Armstrong: Thank you very much. With me is city councillor Martha Joyce. She will be sharing the time with me today, making an independent presentation of her own. I'm Bill Armstrong. I'm a city councillor in the city of London. I've been on city council since 1994 and have sat on our CAPS committee for two years, which dealt with and oversaw the London library system.

I have four areas of concern which I will briefly allude to. Again, the areas of concern that I have are in changes in the governance to the public library system.

I believe this bill gives municipalities free rein to decide the size and makeup of the libraries, which will result in a loss of the independence and the arm's-length nature of library boards. Removing the requirements for a majority of citizens on library boards takes away from the guarantee of community input, reduces the role for volunteers and waters down the contributions of library advocates.

It would be my recommendation that the legislation should have minimum board sizes and the requirement that the majority of these representatives be community citizens. I further would recommend that any and all vacancies on boards should be advertised.

Regarding the issue of dissolution of boards, municipalities will have the power to dissolve library boards, a power that previously rested with the minister. There will no longer be the requirement of libraries to cease operations for two years before dissolving library boards. Combined with the power to determine library boards, this gives municipalities too much unilateral power to shut down and control library boards.

On the issue of free access, Bill 109 ends universal free access to library circulation collections and ignores the realities of our information age. By limiting free access to print material only, and with pressures to cut costs, libraries will be forced to impose user fees on non-print material. Fees are a barrier to services, and experience shows that these types of fees don't generate significant revenue; they just discourage people from accessing services.

Free, universal access to libraries should be a fundamental principle of the library system in Ontario. With Bill 109, free access continues to be guaranteed, but only for print materials and in-house use of collections, not for the entire circulating collection as in existing legislation. Therefore I do not support any changes in legislation that would allow for user fees.

On the issue of confidentiality, with the repeal of section 28 of the 1984 act, inspection of records is a

matter of concern to the public library community. Protecting individual library records from disclosure is not covered in other provincial freedom of information legislation. The confidentiality of library borrowing records is an important ethical issue to library boards, librarians and library clients. I am dismayed to see that this provision is lost in the new wording of the act. I am concerned that section 28 of the Public Libraries Act, 1984, be retained in Bill 109.

Mrs Martha Joyce: Good afternoon. I am Martha Joyce. I'm a city councillor representing ward 7 for the city of London and I'm also one of the council representatives on the library board. I asked to come today to share time with Councillor Armstrong because I wanted to indicate to you that I personally had a great deal of difficulty struggling through answering the governance question: How should the membership of the library board be constituted? As you heard earlier today, city council adopted one position and the library board adopted another position.

As I worked through the arguments with respect to how the membership should be constituted, I came to the conclusion that it's imperative that we write into the legislation that the greatest numbers on the library board should be comprised of private or volunteer citizens, because for the most part the people who are appointed by councils to library boards are individuals who have a strong interest in libraries. They're interested in the educative role of libraries, from the preprint age right through to seniors. Seniors, as you know, are also significant users of our library. I simply wanted to make the point that I have come to the conclusion that if we want strong advocacy for libraries, it's going to be achieved by mandating that the majority of the membership be private citizens.

The constituents elect us to represent them, but in terms of our positions with respect to the value of libraries in our community, that is not always one of the priorities in an election campaign: Where do you sit in terms of how you value libraries? In the political order of things, libraries may get lost in the political agenda, both by the public and by those who are represented. As you are aware, a lot of responsibilities are proposed to be devolved to local municipal councils, and I'm concerned that libraries are going to get lost in the shuffle in terms of priorities.

A few months ago, the library board asked our council to recognize libraries as an essential service, as a service that's equivalent in terms of stature to police services and fire services. That motion did not carry at our council, even though our mandate and our motto says that the work of the London Public Library is an essential service.

The second point I wanted to address today was the aspect of user fees. I do not support user fees in the sense that the legislation is suggesting they be exempted in terms of borrowing print materials. I am a qualified teacher, and as you know, there are different styles of learning. For some individuals, A-V materials are as important to them in terms of learning as are print materials. So I think charging user fees for the loan of audio-visual materials would have an impact for some students, probably some seniors as well. It would negate

their opportunity to access information in a way that is appropriate to them; also the idea that music — CDs and cassettes — is very important to individuals in terms of a broader cultural education. So I don't appreciate that there's a distinction between print materials and audio-visual materials in terms of borrowing capacity.

Those are the two points I wanted to bring to the committee hearing today.

1340

Mr Shea: Thank you for your presentation. May I ask you, first of all: I assume this is your personal view and not the view of the council of London.

Mrs Joyce: Very clearly this is my personal view and not the view of council nor the library board.

Mr Shea: Would you just clarify again how you differ in your personal view from the view of the council of the city of London.

Mrs Joyce: The council of the city of London is advocating that the matter of the composition of the library board be left to the discretion of each and every municipality. London council is also supporting the recommendation with respect to user fees as it has been proposed in the legislation.

Mr Shea: You take me a little by surprise when you indicate that as a councillor you likely would not have enough time to give attention to matters such as libraries and so forth; you may be otherwise engaged in events. Is that a view that you would have of all members of council?

Mrs Joyce: I didn't apply that to myself personally in the sense of taking an interest in libraries. I have. I'm a council representative on the library board. I don't believe councillors can concentrate in a lot of areas. There are a lot of responsibilities at council. For example, as you are aware, we're responsible for long-term care. I'm a member of the Dearness committee of management, and in that capacity I've carried a long-term interest in the care of our seniors. So I think councillors rather divvy up their areas of expertise and interest, and often-times those are areas of expertise and interest that you develop over time as councillors but that aren't in the political forefront during an election campaign.

If there were an issue of a library closure, I think that most of my constituents would want my position on libraries, but I can't recall the last time I was asked a question with respect to libraries in a political campaign.

Mr Gravelle: I think it's very significant and it's certainly important that we have two members of council here who are very clear in the fact that they feel strongly about the need to basically support and advocate for the libraries in the manner that you have. What may be important about it is, and I think implicit in what you're saying is, that you believe the majority of citizen representation can be maintained and the whole question of core services should be changed, recognizing it from your position as councillors. As well, you have great responsibilities in terms of the costs and the downloading and some of the realities of restructuring.

Although you're not speaking officially on behalf of council, could you tell us or talk a little bit about the fact that you believe this can work and will work better without impinging on dealing with some of the fiscal realities that we're all going to have to face?

Mrs Joyce: I'm not clear on what you're suggesting may work better: the proposal that I bring today or council's original proposal?

Mr Gravelle: Your proposal. I'm very much in support of a citizen majority, and what I'm pleased about is that, yes, as councillors you're coming forward and saying it can work. The tone or attitude we've had from other sorts of councils in London this morning is that you'd be better off not to have the citizen majority boards, or in some cases boards at all. You're saying it can work and you're saying, as councillors, it can work and it should work that way.

What I think would be useful to hear is, as city councillors who have to deal with the fiscal realities, you're saying that the majority citizenship representation can work, and obviously you're saying it won't be a hindrance to some of the decisions that have to be made. So I'm very supportive and delighted that you're feeling that way as well.

Mrs Joyce: The one thing with respect to the library board having jurisdiction over their budget is restricted in the sense that council always goes through line-by-line approval of the library board budget. If there are disagreements, the library board is aware of the fact that they are appointed by council, that they have to be on side with respect to what our budget targets are, and they've always been very cooperative locally in terms of the budget constraints and our financial targets.

As well, an independent library board with strong advocates has been very successful in raising private funds to support libraries. We opened a new library, the Masonville Public Library, and the private funding and contribution to the opening of that library far surpassed the expectations. More funds could have been raised if we had had even a more aggressive campaign. We closed it off at the \$42,000 level, but it could have been far more significant.

So it can and does work locally, and I speak to my experience as a member of what we call the community and protective services committee. We also function as the Dearness committee of management. We take our hats off at one point in the meeting, and we're now the Dearness committee of management. We would probably do that same sort of approach as a standing committee of council with respect to libraries. At one point a standing committee of council would be "the public library board."

But I also have had experience being a member of the community advisory committee for our long-term care home, the Dearness Home, and the tremendous amount of work that goes into this operation by this small committee is equivalent to the kind of work that a library board does. You get into your subcommittee groups, you go into the feasibility studies of new libraries, of mergers of libraries. The dedication of time is incredible.

A standing committee of your council and municipality is not going to be able to provide that kind of dedication that a public library with dedicated community, private citizens, can and want to provide —

The Chair: Sorry to interrupt, but I've got to go to Mr Martin.

Mr Martin: You both raise two of the three major concerns that we've heard over the last day and a half

from most people who came before us: the issues of governance and of user fees and then also the issue of provincial participation financially in the delivery of services, particularly on a province-wide basis.

It seems to me the governance question needs to be looked at in the context of what we expect a board to do. Is the board expected to deliver on the fiscal agenda of the provincial or the municipal government, or is it expected to work together to make sure that we present to the community the best that's possible in library services within the restrictions that are always there, have always been re how much money you have?

I'd like to ask either one of you which model you're coming from, and also the section 28 question. Why do you think that has been dropped? You just don't drop a whole section — it didn't make the computer or something. There's usually a reason behind that. Certainly there's some controversy right now out there around the question of censorship. Could it have anything to do with that? There are two questions there.

Mrs Joyce: With respect to the fiscal agenda, I believe that agenda has been satisfied with the present composition of library boards, the present way of appointing library boards with a representation from the broader community in terms of school boards. I don't see it as a conflict in terms of fiscal agendas not being in sync. We've been able to work cooperatively locally. We haven't had great difficulty there.

I don't know if that's an experience in other municipalities, and certainly I guess the issue of censorship could become a political football. We wouldn't want censorship to become a political football. I think that should rest with the library board that is duly appointed.

Mr Martin: Is there —

The Chair: Mr Martin, I really haven't got enough time to allow you to go into any further questioning. I apologize but I want to thank you both for coming forward to make your presentation to the committee today.

1350

WOODSTOCK PUBLIC LIBRARY

The Chair: Would the representative from the Woodstock Public Library board please come forward. Welcome to the committee.

Ms Patricia Moody: I'm Patricia Moody. I'm chairman of the Woodstock Public Library board. This is Stephen Nelson, chief librarian of the Woodstock Public Library.

In her statement to the Ontario Legislature when introducing Bill 109, the Honourable Marilyn Mushinski stated that Ontario libraries had served the province very well for over 100 years. Yet Bill 109 and the accompanying regulations remove this basic protection that has built and supported this great network of libraries and their excellent standards of service.

We are greatly concerned with three areas of the bill: board composition, funding and access to library resources. We respectfully request that this committee strongly encourage the government to reconsider these proposals.

The present citizen-majority boards have proved that the library system works; it works very well. Board membership is not an honorary post or a political reward; it is a job, albeit a volunteer job, that carries with it responsibility and responsiveness to both the community and the internal factors that drive one of the most used and respected of all municipal services. Board members give freely of their time. Most are there because they want to be. They believe wholeheartedly, often passionately, in the value and the importance of the library to the community.

City council members on the board, although their interest and concern are no less supportive, have the poorest attendance on board affairs. They just do not have the time for the same commitment. Woodstock Public Library makes its presentation today supported by its municipal council. Our council passed a motion on March 6 supporting free access to libraries and continued board governance. Our mayor has gone public in the paper saying that the system works very well as it is and they will continue it. However, our concern is the position of future councils. Therefore, we support the inclusion into section 5 of Bill 109 that boards should maintain a citizen majority who are not members of council or municipal staff.

The changes in library funding are also a major concern. The Public Libraries Act, 1984, could have been called the Local Control of Public Libraries Act. Although it wasn't quickly apparent, the 1984 act really gave control to municipalities by providing line-by-line budget approval, and I'm sure there are many board members in this room who can relate to the harrowing experience of budget presentations in the last few years. Local control is already in place.

The phasing out of provincial funding will in essence remove the pressure to maintain the standards of excellence libraries are justly proud of. There is no provision in Bill 109 for municipalities to make up this funding. It has been suggested that the government allocate a portion of the municipal education taxes to libraries, and we strongly support this recommendation.

Free access and use of library services to local citizens has been the cornerstone of Ontario libraries. It is probably the most contentious issue libraries face today, as technology continues to expand and fuel society's demand for information.

Protection of access to library information should be legislated, not regulated. Replacing section 23 of the present act into Bill 109 would be consistent with the claim that Bill 109 will "safeguard our library system."

Mr Stephen Nelson: I am here today to express my support and the support of the Woodstock Public Library Board for the positions adopted by the Association of Medium-Sized Public Libraries of Ontario, who you heard earlier today making a presentation, the Ontario Library Association and, as Patricia Moody mentioned, the position of the council of the corporation of the city of Woodstock. More specifically, I would like to address two issues: the provincial interest in the public library system and user fees for public library services.

On the first issue, the minister was eloquent in her address this year to the annual convention of the Ontario

Library Association on the importance of the public library system. The province, she noted, recognized, "the great value of libraries to the economic health of the province through their role in creating a well-educated and literate workforce." The provincial interest in education has been expressed by the government in other legislative initiatives as well, but the provincial interest in public libraries as a part of this educational system as a whole is equally important.

The province has already invested millions of dollars over many years in the public library system. This investment should not be abandoned. The minister has encouraged active cooperation between school and public libraries in order to deliver library services cost-effectively. This principle should be encouraged.

The minister has also shown support for continued provincial involvement in maintaining the practice of sharing resources between libraries through interlibrary loans of books, but the province is the only stakeholder in the library system that transcends the boundaries between institutions. It contributes funding to school, university and public libraries, and only the province can provide the incentives necessary to sustain resource sharing between all publicly funded libraries.

The province has also taken steps to take advantage of technological innovation and of the public library infrastructure in order to disseminate vital government information cost-effectively to its citizens. This gateway should be kept open.

For all of these reasons, the provincial interest in the public library system remains. But that interest will be left undefended if all provincial funding for public libraries is withdrawn and all control is dissipated among individual municipalities. The public library system has grown as a partnership between the province and its municipalities, and it can only continue to thrive in this spirit of partnership. But to be effective, both members of this partnership, like any partnership, must continue to contribute resources towards the achievement of mutually beneficial goals.

On the other issue of user fees, access to educational resources is necessary in order to allow all citizens an opportunity to participate in the economy. A literate workforce is a precious resource in a globally competitive economy; a boost to rather than a drag on productivity. The province has recognized the importance of literacy by defending free borrowing of print material in the legislation proposed. The province has also shown an interest in fostering technological innovation in the delivery of information through its support of projects like Network 2000 and the provincial Web site, which provides access to government legislation and regulations.

Today information is delivered in many forms including print, magnetic and electronic media. It is the content, however, that is most important, not the format. It is impossible to judge the relative importance of information based on the format in which it is made accessible. People learn from information; it makes no difference whether it is on paper, videotape, audio tape or over the Internet. Access to these tools for self-education, like access to schools, should be supported by everyone because everyone benefits from an educated workforce and citizenry.

Andrew Carnegie, the famous industrialist who rose from rags to riches, used his fortune to endow public libraries, including the Woodstock Public Library, because as a child he had been refused access to his local library; he couldn't afford to pay the fee. Please recognize, as Andrew Carnegie did, the importance of free public library service by enshrining it in the new act.

Mr Gravelle: Thank you both very much for your presentation and for leaving a little bit of time. Certainly it's nice to hear that the Woodstock council is very much supporting you in what you're doing today, and I think it's an important point to make.

Obviously what you say about the Public Libraries Act, 1984, is interesting in terms of local control, because the fact is that in terms of line-by-line budget approval, that has been in place, and the fact is that citizen majorities have also been in place on a number of the boards, and obviously it has worked. If one takes what the minister has said in terms of trying to maintain access and safeguarding the library system, one has to wonder what would hold her back from actually putting that in this legislation as well. I support you in terms of doing that and wonder whether you have anything to add to what reason there would be to not have citizen majorities on the councils when it has worked.

Ms Moody: I think probably libraries might have helped a little bit themselves. We hid behind that act when we would go for our budget presentations and say, "The act doesn't allow us to do that," and I think this is where the pressure came to change the act originally. Unfortunately, once that idea got going, I don't think they realized that they were going to be given all this other stuff by the provincial government, the mega-week announcements and everything. I think now, quite frankly, it wouldn't bother too many councils if they didn't get control of the libraries. It's just a very small item, usually between 2% and 5% on their budget. I think they'd be quite happy to leave the libraries where they are and how they are.

Mr Gravelle: Just to move to one other point too, because we haven't had a chance to talk about it earlier today too much, the whole question of networking and the informal sort of contacts between libraries across the province. Obviously, if some of the things go through this act, there are going to be remarkable disparities in terms of various library boards across the board.

The networks, formal and informal, that have been set up are incredibly important, are they not, to the system. Do you see them being damaged? You make some reference to the fact that only the province can maintain or help to make sure this happens. How important are these networks, and what do they mean? What difference do they make in terms of the system and how it works for everybody in the province?

Mr Nelson: They're extremely important because they allow people in local communities to get access to resources that are sometimes only available in larger communities, and they also allow very expensive resources to be shared across the province.

The problem is, if there's no more provincial funding for public libraries, then individual public libraries, based on their own fiscal constraints, will likely withdraw from

the interlibrary loan network. The province has indicated it wants to continue to support that network, but there's no point in supporting the network infrastructure if you're not going to have any more members in the network, and the only way to keep members in the network is to give them a financial incentive for doing so.

The Chair: Thank you, Mr Gravelle, and thank you both for coming forward and making your presentation today.

1400

ONTARIO COLLEGE AND UNIVERSITY LIBRARY ASSOCIATION

The Chair: Could Susan Moskal, Lee Walker Evans and Suzanne O'Neill please come forward. Good afternoon, and welcome to the committee.

Ms Susan Moskal: Thank you. My name is Susan Moskal and I'm the president of the Ontario College and University Library Association. To my right is Claire Callaghan, who is the treasurer of the Ontario College and University Library Association, and to my left is Suzanne O'Neill, who is a former president of OCULA. Claire works at the University of Western Ontario, I'm at the University of Waterloo and Suzanne is at Fanshawe College.

Thank you for providing me with the opportunity to address this committee concerning Bill 109. I speak to you today not only as the president of the Ontario College and University Library Association but also as a member of the community at large.

This bill, as it stands, will have direct and negative consequences for the academic library community. Strong, vibrant and healthy public libraries are important to colleges and universities. Students and faculty engaging in some areas of study depend on their public library. Local history collections, newspaper files, publications reflecting popular culture and, I should add, collections which are not also available in academic libraries are just some examples of the scholarly community turning to local public libraries for resources.

Furthermore, many members of the academic community are frequent and dedicated supporters and users of public libraries. I should add here that some of your presenters this morning from the community and area that I represent were also members of the university community in Waterloo, although they did not identify themselves as such. The public library is an essential component of the web of information sources.

It may be assumed by local municipal councils that in communities where academic libraries exist, in other words, communities that are home to colleges and universities, they would fill the needs of the public. Well, this is simply not the case. As financial support for public libraries slips away, pressure will be brought to bear on other libraries in the community to pick up the slack. The Ontario College and University Library Association feels quite strongly that academic libraries cannot meet the information needs of the patrons formerly met by the public library.

Firstly, the mandate of college and university libraries is to meet the needs of their primary clientele: the students, faculty and researchers. Many simply do not

have the collections or staff resources to expand service to the general public.

Academic library collections are purchased for scholarly research and are not typically at a level that is of interest or usefulness to the general public. The recreational aspects of public libraries are outside the purview of academic studies.

In an effort to deal with reduced budgets, many academic libraries have been forced to introduce borrowing charges for members of the general public. Access may be free, they can walk through the doors, but borrowing is often not.

OCULA recognizes the important, significant and vital role that public libraries play in the continuing education and lifelong learning of the residents of Ontario in small and large communities across this province. When public libraries suffer, we all suffer.

A strong public library system that supports all the citizens of Ontario, that ensures them access to the information resources they need, when and where they need them, is essential to the health of this province. Whereas school, college and university libraries are mandated to meet the specific needs of students and faculty at particular times in their lives, public libraries are there from the cradle to the grave to support the public interest.

OCULA is very concerned about the downloading of responsibilities for public libraries to the municipalities. Bill 109, as it stands, will create information-rich and information-poor populations. Some communities may be more willing or more able than others to commit resources to libraries. When municipal councillors have to choose between repairing potholes or maintaining the journal collection, the library will undoubtedly suffer.

Governance of public libraries is of vital importance. Maintaining a significant level of direct participation by citizens is absolutely essential to the integrity of public libraries. Municipal officials generally will not have the expertise or the interest in public libraries to effectively govern their direction.

Removing electronic products from the list of core services is also of great concern. As academic librarians, we are painfully aware of the increasing number of publications being produced only in electronic formats. The government of Ontario is itself leading the way in this trend, and I'd like to add here that the depository services program, which is the program the government uses to disseminate its publications and information to the public, has been dropping significantly the number of publications that they distribute and that are made available in paper. I am a government documents librarian and I am very well aware of this. We get less and less. More and more is available only on the Internet. Charging for non-print materials will effectively take vital information out of the hands of citizens. This proposal is shortsighted and regressive.

Simply put, information is power. Any plan that unreasonably limits the ability of citizens to access information freely and equally threatens the social and economic health of the province.

Our recommendations: that free access to core information include all reference and information services and

non-print materials, including electronic resources; that citizens comprise the majority of members on public library boards; that all board meetings be open to the public; that the provincial government expand its role in establishing standards for library services and access across Ontario.

In conclusion, the Ontario College and University Library Association supports the existence of strong public libraries in all communities across this province. As more and more social services are being downloaded from the province to the municipalities, it is even more important that the main and often only local resource for information, the public library, be maintained and supported independently of local government. In order to maintain standards and foster the development of strong libraries working together in a province-wide system, it is important that the provincial government remain accountable for the success of information distribution and delivery of library services.

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Mr Gravelle: Thank you very much. I think what you have presented is very important for a couple of points. One, I think it's important to hear the Ontario College and University Library Association basically say, "We shouldn't be expected, nor shall we be set up, to be the ones who are going to replace them." So that's being said publicly. You're stating that very strongly.

As a government documents librarian, I think your point about the core services is fascinating. It does seem somewhat hypocritical, if not farcical, that the government and this ministry is talking about free access to print material when nobody knows better than they do that almost all the format has come in electronically from themselves. It's almost like saying, "We think you should have free access to print material, but maybe not free access to our material." That may seem harsh, but that's in essence what is ultimately being set up. So I think your points about that are really key.

In terms of the free access, how far do you think it should go? You talk about reference material. Would you agree to user fees of any sort at all in terms of what is accessible, or do you feel it should just all be free material?

Ms Moskal: I think there are probably areas for very specialized services for which perhaps public libraries could charge. This is more or less my own opinion, but I think, for example, something like perhaps interlibrary loan. But certainly for access to holdings that they have in their library and access to electronic information, to the Internet basically, I don't think myself that there should be charges for this, particularly since much of the very critical information is available only on the Internet. Local businesses can get same-day information and weekly financial statistics from the Bank of Canada about how Canada's finances are doing and this kind of thing.

Mr Gravelle: That's just going to keep growing, isn't it?

Ms Moskal: There is critical information out there from federal governments and from provincial governments that aid not only people in school but your general population, your local businesses. Where are they going

to go when they need information? Will they be willing to pay for it?

The other thing that is missing from this whole scenario is that it is great to provide the infrastructure, but you can't stop there. Computers cost money. Training people to access it, finding your way through those resources is difficult. Designing the content so that people can find their way through what is a massive amount of information takes skilled people with knowledge, and that doesn't happen cheaply or freely, typically.

Mr Martin: You raise again some of the key points that are consistently raised before us here these couple of days: free access, majority citizen members on boards, open meetings and provincial government involvement in delivery of library services.

I'm told by people who know that in Ontario today we're world leaders in library systems, in the information-gathering and dissemination that we do. I suggest to you it's because we have a very sophisticated and interconnected system of libraries in colleges and universities, communities and schools. If putting them together made a lot of sense, for a myriad of reasons, we would have done it before now. But you point out here some of the reasons why it doesn't make sense to now move what is today in the public library system over on to the shoulders of the colleges and universities, just as —

Ms Moskal: We couldn't do it. We aren't funded to do that and our funding has been cut. Our mandate is not to collect things for the general public, to meet their needs.

Mr Martin: Just as others who came before us told us it wasn't appropriate that we put public libraries in schools because of all of the logistical safety questions. They don't have the kind of resources in schools that you need in a public library, and again the cost factor and everything else. Where would you suggest we go with all of that?

Ms Moskal: I'm not sure what your question is about where we should go with all of that. If we're pulling schools into the scenario — three very different communities of users. As any business or other area of government, we look after basically our own clientele, for the most part, and we provide services for them.

When the support for public libraries diminishes significantly, as it has over the past few years and will continue to do, the question is, where are the citizens of Ontario going to be able to go to get the services and information they need when public libraries even now are struggling to meet the needs of the general public?

Mrs Munro: I'd first of all like to suggest that in this legislation there is certainly no intention for the kind of shift you've suggested in terms of the colleges and universities not being able to pick up. I don't see that in the intent of the legislation. I would like to comment particularly about the recommendations you've made, as obviously, from your own professional background, you come to this discussion with that kind of expertise.

In point 4 you talk about the establishment of standards. I would like to ask if you also see a role in municipalities, in communities. Is there a level of accountability there as well?

Ms Moskal: I'm not quite sure what you're getting at.

Mrs Munro: This legislation is going to provide

opportunity. Obviously, there has been the line-by-line budget control kind of situation, but the municipalities have argued for some time the need to have "pay and say" being the same group of people, so they have carried 90% in many cases, although this varies across the province, of the budget responsibility of libraries. My question then comes in this issue you've identified in number 4 as an issue of accountability. Do you see an accountability component in municipal government as well?

Ms Moskal: First of all, I'd like to say that there's the pay and there's the say and there's the do. The people who might be paying and saying are not necessarily the ones behind the information desk or making decisions for purchasing. So there are three levels there.

In terms of accountability, municipal councils would certainly be accountable for providing the local public library with enough funding to meet the level of standard the provincial government sets out in the act. In other words, we set standards for schools and we're doing a great deal right now to ensure that children across the province are educated up to a certain level of competence. It's been very important to everybody that this be province-wide.

Why should information resources and information services for the general population not be just as significant, that there be minimal standards set by the province that the citizens of this province must be able to go to a public library to at least find out certain levels of information? If you say, as it seems to in the act, that basically libraries can be done away with entirely, you're saying we will educate all the province up to a certain level, but once they get out of this system they had better decide where they're going to live if they want to have some standard of information set.

That's the way I'm perceiving it, that you're saying: "Up to here, this is what everybody will learn. They will graduate from grade 12 or 13 or whatever and be able to do thus and so." But after that, when they want to find out information, when they want to reach certain objectives, it's going to be a whole variety of levels of information available out there, and sometimes they will have to pay and sometimes they won't have to pay; sometimes they might have to go 100 miles to find what they need and sometimes it will be next door.

The Chair: Sorry to interrupt, but we've gone beyond the allotted time. I want to thank you all for coming in today and making your presentation to the committee.

URBAN LEAGUE OF LONDON

The Chair: Would the representatives from the Urban League of London please come forward. Welcome to the committee.

Mrs Susan Russell: Good afternoon. My name is Sue Russell. I'm here today representing the Urban League of London. With me are two members of the urban league working group on libraries, Lee Walker Evans and Keith Oliver.

The Urban League is an umbrella organization for community groups in London. We are comprised mainly of neighbourhood and resident associations, but our membership also includes city-wide groups. One of the

objectives of the Urban League is to enhance the quality of life in London by encouraging citizen participation in community and civic affairs. Many of our member groups have branch libraries within their boundaries, and over the years, library issues have been addressed by these groups. Strong support has been demonstrated for branch libraries and the library system as a whole.

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We are pleased with Minister Marilyn Mushinski's statement, documented in the Hansard dated Wednesday, February 26, 1997, that "Libraries in communities throughout the province have touched the lives of every Ontario resident and have made a very significant contribution to the quality of life we enjoy." We couldn't agree more. With that statement in mind, we would like to focus today on three important issues.

To begin with user fees, in our view the only justification for fees is to discourage abuse or misuse of the system. Under the proposed legislation, fees may be imposed for borrowing non-print materials. As has been noted by others, more and more information will be available only in electronic format.

I would like to quote the Southern Ontario Library Service in a submission to Minister Mushinski dated January 23, 1997. The submission stated that one of the "implications of charging for information in other formats would be that only those who can afford to pay will have access to information in digital formats. As these formats become more prevalent, eventually replacing print formats in some areas, those who cannot afford to pay will fall further and further behind." This is simply unfair and unacceptable, in our minds. If "free access to information is the cornerstone of our proud library tradition," as stated by Minister Mushinski, that access must apply to non-print material also.

As also stated by the Southern Ontario Library Service in the same submission, "Library collections include resources that are off-site, such as remote databases." It is not just what is in the library; it is what the library gives you access to. This should be available to all. Any practice that restricts the full use of library materials, regardless of format, is unacceptable.

Under the issue of governance, to our knowledge, present standards for the composition of library boards and their mandate have served the people of Ontario well. We question the need for change. We wish to note that the urban league and its member groups have had their differences with the London Public Library board. However, we are convinced that a library board with a majority of citizen members is the best system and should be uniform across the province.

Library boards composed of a majority of citizen members have the ability to deal with difficult issues, such as those affecting intellectual freedom, and to do so without direct political interference. Library boards composed of a majority of citizen members encourage the participation of citizens to serve as volunteer board members and allow them to play a significant role in decision making. Library boards composed of a majority of citizen members encourage individuals in the community to approach and interact with a group of their peers in developing library policy.

On the issue of funding, we are against any legislation which will result in the need to pursue fund-raising at the local level to support basic library services. Making local government fully responsible for library funding will result in unequal access to information from one community to the next. For this reason, we believe that the provincial government should maintain its role in correcting the inequities that exist and that the provincial government should continue to be a partner with local government in the funding of libraries. We recommend that the provincial government continue to provide library grants in such a way as to provide equal access to library services for all Ontarians.

Mr David Crombie and Mr Peter Meyboom, chairs of the Who Does What panel and the municipal administration subpanel, stated in a submission to the Honourable Al Leach that the subpanel "wishes to preserve Ontario's public library system, which is acknowledged as being among the best in the world." It sounds as though that old adage should apply, "If it ain't broke, don't fix it."

It was recently stated that "A library is an outwardly visible sign of social equality." We hope committee members will support this concept through their deliberations. Thank you for this opportunity.

Mr Martin: It's good that you, a group representing such a wide spectrum of interest, should come today and share your concerns with us. I need to tell you right off the bat that your concerns are consistent with others' concerns, for the most part, although you bring an interesting perspective.

I think it's important that all of us understand that this isn't a standalone initiative of this government, that this little piece fits into a larger picture which has seen the provincial government move more and more out of the direct delivery of services that people in communities like London have grown to expect will be there for them to enhance their quality of life, their ability to participate in the civic life of their community. This may have been easier to handle by municipal government, the download of the full cost of libraries and library boards might not be causing the same pressure, if this wasn't being done in that bigger download context.

In London, do people use the libraries as a gathering place and for other reasons besides taking out books and resources of that sort? Are they community centres?

Mrs Russell: Absolutely.

Mr Martin: Do you see an impact on that by way of what's happening re this legislation?

Mrs Russell: I could foresee a potential impact, yes.

Mr Martin: In what way?

Ms Lee Walker Evans: I would say a very great impact in London for that sort of thing, because when there is not as much money, what suffers is smaller neighbourhood branches, obviously, and that has been the case in London through other financial difficulties. Lots of times the library branch in a neighbourhood, be it small or large, is a really important part of that neighbourhood, in that people go there, people meet their neighbours there, people gather there, as you say. Particularly in an older neighbourhood of the city, where there is not a great deal of growth but there's a very stable population, that happens even more. Not only use of

library materials but use of library space as gathering and meeting places is an essential part of a library.

Mr Young: I want to give a quick synopsis of what the Who Does What exercise is about because we've heard a number of comments yesterday and today about downloading or reducing funding for libraries. The exercise was to take — there was a consensus, and has been for years — the cost of education off the property tax. It was inequitable, it was rising too fast etc. We've done that. The Who Does What exercise is to make an equilibrium, that is, a revenue-neutral change, to get other services back to the municipality and give them the flexibility to manage. It's not about downloading.

But if we're talking about government spending — and Mr Martin has been critical a number of times of the government. When we came into government the debt was at \$100 billion. That means that every person in this room owes \$10,000; we're all responsible for paying that money back, and it'll grow by another \$800 per person this year.

In every effort we make, the twin efforts are to bring more jobs and economic growth back to the province, and the other is to downsize to get back to what we really need in the way of services and balance our books. We need to give municipalities the flexibility to make this happen. I wanted to point that out.

Many groups have recognized the need for change; some haven't. Some have said: "I know you have to change. I know you have to reduce government spending, but don't ask us to change because we can't change. We need more money." There have been people who presented to us yesterday and today who do recognize the need for change. They haven't said it, but they do, and it's very important to note.

I wish I had a chance to ask the ladies who presented before about the user fees that exist at university libraries now, because there are user fees; you have to pay to use the library and I'm sure they have fines etc. They said it's a threat to freedom.

I'd like to ask you what the basis is for the statement you made that "those who cannot afford to pay will fall further and further behind." How do you identify who comes into a library who can't afford to pay now? Is there any information on that basis?

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Ms Walker Evans: I personally have argued user fee issues with the London board and city council several times. My position is, and it certainly doesn't change, that we can't identify the people who don't use the services, because when you have fees, there is always a little stipulation there saying, "If you can't afford to pay, we will make special arrangements," but —

Mr Young: Exactly. They use discretion, and they do in my library now.

Ms Walker Evans: Could I finish?

Mr Young: If you have a fine —

The Chair: Mr Young, I'm going to have to cut you off, because your time is up, no other reason than that.

Mr Gravelle: I'm sure that the urban league members don't need a government spin lecture from Mr Young on the downloading realities or why they're going about doing this. Indeed it has become clear to everybody

involved that there is a \$1-billion gap minimally, which is even recognized by the association of municipalities.

I know this gentleman looked like he was very keen to say something and I want to give him an opportunity to do that, but the urban league, I presume, is involved in other issues besides this issue. You have concerns about a number of issues that relate to the government obviously, as a neighbourhood and resident committee group, so I want to give you an opportunity to talk about some of those impacts which obviously the libraries are part of, because it is part of a much larger process. I saw you chomping at the bit there to respond to something, so please feel free. But clearly you're involved in other issues as well and the libraries are simply one part you're trying today to defend and to fight for.

Mr Keith Oliver: Very much. We've been involved in planning issues, as a new official plan was just approved last year here in the city. It's terribly frustrating to hear political and economic ideology when we should be talking about real situations.

We'd love to have an opportunity, and we're not going to have it, to try to tell you some of the proposals that we've made to the London Public Library, to do with combining with other services that governments, including the federal government, own, developing community resource centres, getting real efficiencies, being able to deliver a wider variety of important learning, job training services to the community through specific points of focus distributed well throughout the city. But we're not going to have an opportunity for that because we get into all this gobbledegook about debt and we forget about our problems and how to solve them. I'm sorry, but this really gets me upset.

Mr Gravelle: If you could write your ideas down for us, the committee would be very pleased to receive that and I'll be sure to get back to you on that.

Mr Oliver: We'll make a point of doing that. We have had conversations with the library board. As Mrs Russell has said, we don't always have an easy time with the London library board, and that's part of the game. We have some new ideas that need to be tested and so on.

We're very concerned about access. It should be equal across the province. We stand a chance of turning our province into a whole series of have and have-not communities, and that's something that upsets me very much and is of concern to all our members. We are 33 community organizations here in London —

The Chair: Thank you, all of you, for coming forward today and taking the time to make a presentation. We appreciate it.

KENT COUNTY LIBRARY

The Chair: Would Helene Thompson please come forward. Good afternoon and welcome to the committee. I'd appreciate it if you could introduce yourselves at the beginning for the benefit of committee members.

Ms Helene Thompson: My name is Helene Thompson, and with me is the director of the Kent County Library, Margaret Scott. I am the chair of the Kent County Library board. Thank you for the opportunity to express the views of the Kent County Library board

regarding Bill 109. Kent county, as some of you may know, is in a rather odd position, so some of my statements may seem a little different.

There seems to be a dichotomy when the Ontario Minister of Citizenship, Culture and Recreation says that Ontario libraries are one of Ontario's greatest cultural and economic assets, but we are told that municipalities can close down libraries.

Ontario is also the only province to withdraw funding support from libraries. The provincial government says that library services to all citizens must be maintained at the present level, but how can it be maintained if funding is cut? There is a domino effect as fewer funds lead to fewer services, fewer hours and fewer patrons in the library and therefore fewer libraries.

In 1969, sufficient interest in Kent county was garnered to consider the development of a county library system. Due to persuasive arguments by professional library staff, local politicians realized that centralized book selection, ordering and processing, interlibrary loan and other important functions would allow municipalities to maximize the limited available funds for library service. Cooperation and centralization would ensure that economies of scale could be realized as well as the establishment of free and equitable library service for all Kent county residents.

Over the past 28 years, this collaborative approach has seen the development of standardized procedures for the operation of branch libraries and staffing of the same as well as facility improvements in all 11 locations currently under the jurisdiction of the Kent County Library board. The result has been a free, accountable and efficient library service that is accessible to all those living within the boundaries of the county of Kent.

For many years the government of Ontario has supported the operation of public libraries across the province by awarding operating grants based on population and, more recently, the total number of municipal households. By virtue of their organizational structure, county library boards have enjoyed a supplementary grant to assist in maintaining a multisite library system.

The Minister of Citizenship, Culture and Recreation announced in 1995 that operating grants would be reduced by 20% in 1996 and a further 20% in 1997. The net result for the Kent County Library board has been the loss of \$96,000 over the two-year period. We expect that the per household grant will be eliminated completely in 1998.

The transfer of responsibility for public library service from the provincial or county level to the municipal level effective January 1998 could have a detrimental effect on the free and equitable library service that all Ontarians have enjoyed for many years. It is quite likely that local municipalities will lack the necessary funds and the political will to maintain libraries and therefore many will experience a deterioration of service standards and ultimately close their doors. It is for this reason and the obvious economies of scale and elimination of the duplication of some services inherent when branch libraries are managed independently that the Kent County Library board favours a centralized system.

The Kent County Library provides over 15 services and benefits to all county of Kent residents. This rural

public library service is delivered for the low cost of \$15.01 per capita and \$36.16 per household annually — from the 1996 budget. These costs are lower than those paid by residents in both Chatham and neighbouring counties. The ability to maintain low operating costs is only possible through the development and support of a centralized library system.

The current library board structure provides geographic and political representation. Annual political appointments to the Kent County Library board ensure equal representation from all areas of the county over the three-year term of council. The entire Kent community is well represented by the three citizen appointees who also serve a three-year term. The library board reports regularly to Kent county council and is financially accountable to the same body. The same tax dollar is applied equitably across the entire region. Library policies and procedures are developed so that they meet the unique needs of partner municipalities. One library board is sufficient for a rural area such as Kent.

The Kent County Library provides free service to all 21 municipalities through the operation of 11 branches. Regardless of the size of a municipality in which branch libraries are located, the board believes their communities of interest are sufficiently large to warrant, and support, each branch library's continued existence. This centralized service is administered through one administrative operation where all functions are coordinated and the minimum number of staff are deployed to carry out these important functions. All services are costed out before projects are initiated to ensure that the most cost-effective methods are put in place.

The Kent County Library board takes considerable pride in the advances in library services developed in Kent county over the past 28 years. This is due in large part to the efficiencies and logic embodied in the centralized county system. We have established noteworthy partnerships with the Moraviantown Indian band council, the Walpole Island band council, and the Kent County separate school board's French secondary school in Painscourt. We expect that in the future we will be responsible for managing public libraries that offer free access to all up-to-date information, educational materials and recreational reading.

The Kent County Library board has always offered free library service to all residents of Kent county, including residents of the city of Chatham. In our North Maple Mall branch, in particular, located just outside of the city on Highway 40, we enjoy providing free library service to many Chatham residents. Should the municipality of Chatham, and its library, have the opportunity to join with the rest of Kent county in a new municipal structure we are willing, and have the necessary expertise, to expand our library by welcoming the Chatham Public Library and managing it as an additional branch.

Library services must remain at the upper-tier level. Putting library services at the municipal level means that some libraries will be well looked after but others will be lost in the shuffle. Soft services like libraries will be at the end of the line for funding after hard services such as roads and sewers.

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Libraries are an essential part of developing a literate population. Story hours for three- and four-year-olds and Tales for Twos are important as starting points for lifelong literacy. Children who are exposed to books and learn to love reading have a better chance of being successful in whatever their pursuits are in their future life. Parents who aren't as literate as they would like to be receive assistance at the library and learn how important books and reading are in their child's development. Library services must not be downsized but must be enlarged so that everyone can profit from a viable library situation.

Why would anyone want to step back 50 years by having libraries return to the municipal jurisdiction? In Kent county, the Kent County Library board has spent 28 years building up our library system. All our libraries have computers and computer necessities in them. One library is already on the Internet and by July nine more libraries will also be on the Internet. The county library board has worked hard to see that all citizens of the county have equitable access to books, CDs, computers, videos and the Internet. A person living in a village has as much right to library services as one who lives in a town or city. Keeping the library affairs at the county or upper tier keeps the fairness in the services.

Questions arise quickly when the act is perused.

First, in a newly restructured municipality what are the legal obligations and responsibilities, as referred to in the proposed legislation, regarding the operation of a public library? Will a municipality be required to provide such a service either directly or through a contractual arrangement?

Second, library boards and staff should have the ultimate authority to set and charge fees if they become necessary. Of course such action would have to be endorsed by the governing municipal council. Therefore, such responsibility should be included in the Public Libraries Act and not the Municipal Act.

Third, there are many existing effective library boards that comprise a majority of elected officials. One cannot generalize and say that volunteer and/or citizen boards are the most effective or efficient. Perhaps the Kent County Library board is a case in point as it has both elected and appointed board members.

Fourth, if the province withdraws financial support for the operation of public libraries, then what role should the government and its related agencies play in the future? Who will set the standard or direction for local library service? Who will champion the cause for library standards in Ontario? Without an upper-tier coordinating role public library service will decline.

Library boards today are looking for partnerships to help offset the lack of grants from the provincial government. It is difficult to do this, however, as every not-for-profit group seems to be doing the same thing. The Kent County Library is looking to Industry Canada for assistance with computer technology. Local service groups and organizations help everyone by gifts to the libraries. Social services are working cooperatively with the Kent County Library to enhance service to rural social service recipients as well as provide long-term benefits to the

entire county. Corporate sponsorship is also another area of funding. The provincial grants are down by 40% or \$96,000, a major sum of provincial money for which the Kent County Library must find replacement funds. We are not hopeful that municipalities will fund libraries 100%.

Kent county has a population of about 62,000 people. Of those, 32,332 are library card holders. Over the 1996 year, 339,694 items were circulated at 11 branches of the Kent County Library. In January 1997 alone, computer use in the county library system was 10,945. When all the libraries are on the Internet, computer use will go much higher. On April 11 the Kent County Library, in conjunction with the village of Wheatley, the provincial and federal governments through the infrastructure program, will open a new library in Wheatley. Kent County Library believes that small towns should have access to a good upper-tier library system throughout the county. Keeping the library affairs at the upper-tier level keeps the fairness in the services.

People in small towns and villages do not have access to public transportation to take them to libraries. Not everyone has a computer, so being able to surf the Net and be in touch with events worldwide is also important. Being able to choose a book for yourself or ask that one be requested for you is also a necessity for booklovers and avid readers. Even Bill Gates likes to hold an actual book when reading. Most library patrons have the same opinion. Who among us has not thought of the pleasure of curling up with a good book as a panacea for living in our stressful society?

The Chair: Thank you very much. We only have two minutes left, and that goes to Mr Martin.

Mr Martin: Thank you very much. If I can pick an overall theme out of your very excellent presentation, I think it's the sense that what we're doing here is taking us back to a time when we had a patchwork of library services, if we had them at all, in various parts of the province. All of us have come to understand that if anything at all gives us an edge or an advantage or an opportunity, it's information; we all need information.

As this province is so widely spread, I think it's important that we as a provincial entity make sure we gather resources and spread them out in a way that will allow other communities to have in place systems such as libraries that will enhance everybody's ability to participate.

I know from other presentations and from conversations I've had that we have in Ontario one of the best library systems in probably the world. It's your contention that if we do what is being suggested in this bill, we will lose some of that. Would you like to elaborate further on that?

Ms Thompson: What people have to realize is that the same pattern does not fit every library. Our libraries work because we work cooperatively and each person in the county pays towards the library system. If you go down to having the libraries only in specific municipalities, some of the smaller villages will not be able to support them. They need the assistance of surrounding county people to keep them going. I think you have to consider that.

FRIENDS OF THE LONDON PUBLIC LIBRARY

The Chair: Would the representatives from the Friends of the London Public Library please come forward. Good afternoon and welcome to the committee.

Ms Viola Poletes: Thank you very much. I'm Viola Poletes, vice-president of Friends of the London Public Library. Our president, Stan Skrzyszewski, is stuck in Toronto traffic, so I bring apologies from him.

We've decided to focus our brief this afternoon into four areas: changes in library vision, changes in library governance, changes in library financing, and changes in library networking. We'll begin with library vision.

The current Public Libraries Act, although not strong on vision or purpose, did provide some general guidance for the provision of public library services. Section 20 of the existing act states, "A board...shall seek to provide, in cooperation with other boards, a comprehensive and efficient public library service that reflects the communities unique needs."

Section 10 of the proposed act states, "A board...may cooperate with other boards to provide a comprehensive and efficient public library service linked to the province-wide public library network."

The proposed act takes what little provincial vision existed for public library services and reduces it to "may cooperate" and "may provide." In other words, the proposed act becomes a minimalist administrative document, with no overall vision for the role of the public library in the province of Ontario.

Minister Mushinski's letter of January 15, 1997, points out that in the proposed legislation "municipalities are being given full authority to provide and effectively manage library services in the community." But this is not quite true. Municipalities don't have total control, as evidenced in the regulation to amend Ontario regulation 26/96 made under the Municipal Act. It is now every municipality for itself, and any kind of inter-community cooperation or province-wide cooperation is allowed but not required.

In essence, the well-to-do municipalities will be able to afford high-quality library services and poor municipalities will not. The government of Ontario has decided that it is not up to the government to ensure that we do not have an information-rich and an information-poor division in the province. Ontario will have an information-poor, and they will largely be based in small, rural and northern Ontario.

It seems that the government of Ontario has forgotten just why we have provincial governments. Provincial governments exist to distribute wealth and to set provincial goals and standards. When it comes to public libraries, the government of Ontario has abandoned its role, all in the name of role clarification and lowering costs. In the complex and multi-faceted world we live in, it makes no sense to talk about simplification. A simple solution to a complex situation will not work.

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The Friends of the London Public Library suggest that the minister and her staff review *One Place to Look: The Ontario Library Strategic Plan* and try to put some of the

vision contained in that document into the new legislation. *One Place to Look* identifies four basic goals:

Goal A: Every Ontarian will have access to information resources within the province through an integrated system of partnerships among all types of information providers.

Goal B: Every Ontarian will receive public library service that is accurate, timely and responsive to individual and community needs.

Goal C: Every Ontarian will receive library service that meets recognized levels of excellence from trained and service-oriented staff, governed by responsible trustees.

Goal D: Every Ontarian will have access to the resources and services of all public libraries without barriers or charges.

Changes in library governance: Public libraries exist to ensure that all citizens have access to information and knowledge, no matter in what format or whether the information and knowledge is presented in a recreational or educational way. The most important reason for citizens to have access to the resources of a public library is so they can gain knowledge independently of any form of institutional or public control. In this way, a citizen can make informed and independent decisions about social, economic or political choices.

In this sense, public libraries provide a service that is above elected governments, whether they are local or upper-tier. Public libraries are a source of knowledge which ultimately allows citizens to make the best possible choices and which enables citizens to judge the decisions made by the officials they elect to govern in their interests. An informed citizenry is critical to a democracy and is a prerequisite of a democracy.

Public libraries are one of the bulwarks of an informed citizenry. Therefore, it is critical that the boards governing public libraries include citizens who are responsible to the community of citizens and not elected officials. Although elected bodies may appoint citizens to library boards, they must not control them. Public libraries must include a majority of citizen representatives, because they are one of society's controls over elected bodies.

To state that "there will be no requirement that citizens must constitute a majority of the members of library boards," as did the fact sheet on the proposed legislation released by the ministry, shows a lack of understanding of the function of public libraries. The Friends of the London Public Library state with utmost conviction that public library boards must be controlled by citizens.

Library financing: The proposed legislation does not guarantee free access to library services. In fact, section 14 states, "A board may charge fees for public library services in accordance with the Municipal Act and any regulations made under that act."

Under the changes in the regulation to amend Ontario regulation 26/96 made under the Municipal Act, municipalities are being given full authority to provide, fund and effectively manage library services in their community except that under subsection (2):

"A municipality or local board does not have the power under section 220.1 of the act to impose fees or charges for:

"(a) admission of the public to its libraries;

"(b) use by the public of its libraries' collections in the libraries;

"(c) borrowing from a public library, by residents, of books and other printed material; and

"(d) borrowing from a public library, by or for residents with a disability, of material special-formatted for persons with that disability."

Outside of the inherent contradiction in having legislation that purports to transfer full authority for public libraries to the municipalities and then states that municipalities must not charge certain fees, there are several fundamental problems with the government's approach.

First of all, the guarantees of free access must not be considered in isolation. The ministry has announced that operating grants will be phased out over a period of time, and despite the fact that these consultations are still in progress, the phasing out of operating grants is already well under way.

For many public libraries, the provincial operating grants were fundamental to maintaining reasonable levels of library service. Without the operating grants, free access simply means access to poor-quality or declining-quality library services. Although the province of Ontario has reduced funding, it has not provided any leadership in defining a new funding strategy for public libraries. Eliminating provincial library funding, while proclaiming free access to public libraries, is not acceptable and is an abrogation of responsibility.

We strongly recommend that the government of Ontario initiate discussions with representatives of the public library community, including Friends groups, to establish an effective funding strategy for the continued growth and development of public libraries in Ontario.

Second, prohibiting fees for "borrowing from a public library, by residents, of books and other printed material" means that public libraries will have to consider charging fees for electronic and audio-visual services. The friends believe that fees should not be based on the medium in which the information is provided. As Ontario is transformed into a knowledge economy, it becomes more and more important that sources of information and knowledge are made available to as many people as possible. Information fuels innovation, and innovation fuels productivity in a knowledge economy. Public libraries are a source of information in a knowledge economy. Public library user fees for electronic information services will inhibit access to the information sources that drive the economy.

Third, CD-ROM products and Internet services tend to be more cost-effective than either printed library reference tools, which require a lot of staff support, or than online services, which are not user-friendly and are charged for on a per-use basis at very high rates. For this reason, libraries have not charged for their use and have instead encouraged their use by the public because they are more economical to the library than are the other options. Public libraries should not be forced to charge a fee that will inhibit the use of electronic services, which are more cost-effective than the free services.

For these reasons, the Friends of the London Public Library recommend that charging user fees for the electronic mediums should not be considered.

Finally, library networking: Although library networking is not specifically mentioned in the new legislation, the minister has made it part of the package by making the following statement to the Legislature: "The province will continue to support the library system through partnerships, policy and funding of the province-wide network of shared resources, cooperative services and telecommunications links that connect Ontario's public libraries to each other and to global information networks."

The Friends of the London Public Library support the intent of the minister's statement. However, information on either the nature of this support or the vision for the province-wide network of shared resources has not been provided for either the Friends of the London Public Library or the people of Ontario. Therefore, the Friends recommend that the government of Ontario present a detailed description of the intended support and the vision of the province-wide network to the people of Ontario, along with a consultation process that would allow people to comment on the vision. The concept of a province-wide public library network is very important to the people of Ontario.

The Chair: Thank you very much. It was an extended brief, so we only have two and a half minutes for questions; the government caucus will be allotted that time.

Mr Stewart: Thank you for your presentation. Just a couple of comments: On the first page, where you're suggesting that the existing act says "shall" and the proposed one says "may," what we're trying to do is get away from the dictatorial aspect of past legislation and allow flexibility for not only the municipalities but the people who are involved with it.

There are couple of areas that really intrigue me. I don't know whether — you said you were presenting on behalf of another gentleman. The line on the second page: "Provincial governments exist to distribute wealth and to set provincial goals and standards." I think that's one of the problems and why we're in this mess that we are now. The past governments have assumed that we had a whole bunch of wealth and they indeed distributed it. That's why we are in debt the way we are now.

The final question is this: On page 3, it says, "The Friends of London Public Library state with utmost conviction that public library boards must be controlled by citizens." Where is the accountability to the taxpayer who is funding the libraries and the library system of this province?

Ms Poletes: Citizens are taxpayers, aren't they?

Mr Stewart: That's true, but where is the accountability? That's my concern, that if a non-elected board is set up to have control over it, where is the accountability to the people of the province? Other boards have fallen into that, where they forgot a little about the accountability to the taxpayers of the province and really did their own thing.

Ms Poletes: I don't think they're going to go hog-wild and do anything that is unreasonable. There would be a certain set of guidelines for citizen advisory boards. I can't see them —

Mr Stewart: The municipality or the council or the elected officials, then, should have a certain amount of

say in this process. I guess the part that struck me was the — where was it? — “ultimate” or “must have control.” I guess that worries me a little bit, that boards get that way, unfortunately.

What I’m saying is, you elect people to do the job. Whether or not you like what they’re doing remains to be seen, but I think there’s got to be some type of accountability, some type of control in there, because boards — and we’ve all been members of them — tend to get carried away sometimes. I think we have to have some control. That was my concern. I appreciate it. Thank you.

The Chair: Thank you very much for coming forward and making your presentation today.

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CAMBRIDGE PUBLIC LIBRARY

The Chair: Would David Scott please come forward. Good afternoon, Mr Scott, and welcome to the committee.

Mr Dave Scott: Mr Chairman, vice-chair, members of the committee, my name is Dave Scott. I’m the vice-chair of the Cambridge Public Library board.

Of all the public institutions in this province, the public library system was the least in need of change, yet Bill 109 threatens what it took six generations to create: the arm’s-length public library board with citizen volunteers as a majority. Bill 109 is change for change’s sake, designed to fix a non-existent problem.

The Cambridge Public Library board finds it hard to understand why the government is proposing this bill at all, since it harms that which it claims to protect. The government says it supports the continuation of separate library boards, yet the legislation gives such latitude to municipal councils that it is open to abuse and circumvention of the spirit of the act. With this open-ended piece of legislation, there’s a gulf between what the government says it intends and what could actually happen.

You will have heard from many other delegations that volunteer library boards have been in place since the Free Public Libraries Act of 1882. Voluntary boards of citizens have created and maintained a public library system and a province-wide network that is second to none. Such boards have vigorously defended intellectual freedom and the right of all citizens to free access to information.

The government says it fully supports these objectives, but look at what this legislation does. It takes the right of free access to information enshrined in a longstanding act of the Legislature and makes it a mere regulation that could be changed at any time and without debate.

Bill 109 is built upon a disappointing foundation: the Crombie panel on municipal government. The panel did no research and provided no rationale for its recommendations, nor any background documentation. It held no consultations. It at once acknowledged that Ontario had a library system “among the best in the world,” and then recommended sweeping changes to the very structure that produced this exceptional result. It’s hard not to come to the conclusion that in order to be consistent with the sweeping changes in other areas, the panel felt it had to bring libraries into line no matter how damaging the

results; in other words, to fix something that wasn’t broken.

My colleagues on the library board are at a loss, as am I, to understand why this issue has been brought up in the first place. As long ago as 1995, when the municipal review committee was looking at this issue, our own member of Parliament, Gerry Martiniuk, wrote to Ernie Hardeman, the parliamentary assistant to the Minister of Municipal Affairs. I won’t read his whole letter but I will read you his concluding sentence. He said, “I believe it is important that these independent, no-cost boards are continued to preserve our library services.”

Bill 109 is said to give municipalities full control over library budgets, but municipalities already had that control under the 1984 Public Libraries Act which is now to be superseded by Bill 109. I think contrary to what Mr Stewart was saying earlier, there is full budgetary control, full recall control and full appointment control from municipalities now under the existing legislation. Library boards exist to be accountable to elected municipal councils. We serve at their pleasure.

Bill 109 is said to make more appropriate administrative structures possible. Yet is there any hard evidence to show that this is not now being done under the existing legislation? No, there is no evidence whatsoever. Under the present legislation, there is absolutely no barrier to developing cost-effective service delivery. The Cambridge Public Library is among the most efficient in the province in this, and it is the result of the efforts of a hardworking volunteer board and a dedicated and resourceful staff. Cambridge has integrated the purchasing and financial administration of the library with that of the municipality. With its present citizen-dominated, separate library board, Cambridge has worked closely with its council to successfully address the financial pressures of the past few years and is perfectly capable of doing so in the future without a change in the legislation.

Bill 109 is said to encourage voluntarism. A hugely successful level of voluntarism now thrives under the guidance of 3,500 volunteer trustees, who work without compensation of any kind. Will this broadly based voluntarism continue under the effects of this bill? Apparently the province hopes so, but without any evidence.

Bill 109 gives municipalities the right to decide whether local library boards are to exist at all. This attacks an historic arm’s-length relationship and makes independent scrutiny of intellectual freedom and service delivery impossible. The bill will allow a council in a community which didn’t support the concept of a board to turn the library board into a committee of council in all but name, or it could manipulate the legislation to the degree where the board could be composed of a single member, perhaps the CAO of the city, making the library into a city department.

Special interest groups will quickly realize that if they wish to have materials inconsistent with their beliefs removed from public library shelves, they will be able to go to council and pressure for elimination of the library board. Or if, as seems likely, many municipalities gradually find it more convenient to have libraries operate as mere city departments, special interest groups will find it

infinitely easier to directly pressure council members to ban or remove materials. In such an environment, library staff could begin to avoid purchasing materials that might be deemed controversial in any way just to avoid problems. Is this desirable in a healthy and open society such as ours?

Bill 109 is said to allow for the development of library policies and programs. But if the library board is reduced to a committee of council, municipal councillors and staff will have limited time to address services as specific as the library and, for instance, its level of children's programming. Less attention will be paid and decisions will become, by default, subject to unrelated pressures on municipal staff. I would point out to the members of the committee that if you look at your speakers list over the preceding days and the days to come, you will see how important this issue is to municipal politicians by the lack of them on your speakers list. Instead of citizen-based library boards making decisions on library service, in practice unelected municipal bureaucrats will be making the service decisions. How can this be an improvement?

Bill 109 is said to encourage merging public library service with schools or other specialized libraries. We know there are potential savings available in partnerships, but is legislative change necessary to encourage this? We think not. For example, under the existing legislation and with the active involvement of the existing volunteer board, we in Cambridge have negotiated a joint library facility with the Waterloo region separate school board. As a result, the new St Benedict high school in Cambridge will have a school library larger than its gym, and an underserved area of Cambridge will have an excellent branch public library years before it might have. We needed no new bill to make this happen; the trustees and the senior library staff made this happen under the existing legislation.

Bill 109 purports to preserve the free use of library materials, but it is clear that the bill refers only to traditional materials and in-library use, and the coming tide of electronic-based information will either be unavailable or priced out of the reach of those who would most benefit from it.

In the area of fees, the new act depends entirely upon the goodwill and understanding of municipal councils to uphold the objectives of public libraries. These include ensuring that the general population, regardless of their means, is not limited in access to public information. What was once guaranteed under the Public Libraries Act is now to become a pious hope.

A great deal more could be said about the ways in which this provincial library system is not broken, and as many reasons why it doesn't need fixing. However, if the government must look to a new model for library services, we say look at the Police Services Act, which was tabled a few days prior to this new library legislation. It recommends basically the model that most people in the library community could live with. Essentially, it provides for an arm's-length board with majority citizen participation. If nothing else, it would provide consistency in the government's approach to special-purpose bodies.

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If this bill must go ahead despite all that has been said against it, we feel strongly that there are ways to improve

it to mitigate the harm it does to this important institution. The government says the spirit of the legislation supports the continuation of separate library boards with a citizen majority. To ensure this happens, we strongly urge that the government amend the bill to mandate the following: (1) library board meetings should be held in public; (2) library boards should have a minimum number of trustees — we suggest five; (3) appointments to library boards should be publicly advertised; (4) the majority of the trustees should be citizen appointees of the municipality; (5) no municipal or library staff should be eligible for appointment to library boards; and (6) there should be a minimum number of library board meetings annually — we suggest six.

The Cambridge Public Library Board believes the key to effective public library service and to the defense of intellectual freedom is majority citizen involvement in the governance of libraries. We would urge the government not to discard a method of governance that has worked well for this province for more than 100 years.

Mr Skarica: I find these submissions that you've made very interesting in that I contrast them to the submissions I heard from — I was on the school board hearings, and there we heard parents say they didn't want more say in how school boards are run; they wanted the locally elected officials to do it. Here you have a system where apparently citizens control many of the library boards and locally elected people don't, and you don't want that changed.

Perhaps I could ask you, what's your relationship to your council now, and how do you see that changing? As you've indicated, most elected representatives apparently aren't much interested in this area. Why wouldn't they just leave it the way it is now, even with this legislation?

Mr Scott: In the short run, I expect that in Cambridge, because we have such an excellent working relationship, there will be very little change. We're actually trying here to address the general as opposed to the specific; we're trying to address the principle. So I don't expect that in this council or the next council these changes will happen, or, if they happen, they will not happen quickly.

Our relationship, though, is excellent. I repeat what I said before: We have a well-developed, written and well-publicized acquisition policy, we have a well-developed and well-publicized recall and appeal procedure that is known to the public and to the council, and we have received excellent support from the council at all levels, including at the budgetary level.

Mr Gravelle: Mr Scott, I think your presentation hit the nail on the head and it was expressed in a remarkably strong and clearheaded way. The fact is that this bill is not about improving library service ultimately; it really is about the downloading to municipalities. It's putting municipalities into a corner where they've got to find revenue because of the loss. It's about giving them some of the tools that they don't even really want. You're right, that's why a lot of them aren't here: They don't want to have it.

The fact is, if you look at the rhetoric in the bill, if you look at what the minister is saying in the bill, if she wants to retain some credibility in terms of this, it's really crucial that some of these amendments are put in.

We can all look and see what amendments do pass. I think you made your point incredibly strongly and clearly that citizen majority boards — your point to Mr Stewart at the beginning. The fact is that they act responsibly; they do operate within municipal budget guidelines. I just want to tell you that I think you made your points incredibly clearly. I expect the minister will simply have to be — we'll have to watch, because if there aren't any amendments that reflect this, then it's clear this is not a bill or a piece of legislation that in any way could improve library service. In whatever time we have left, tell me what you want to add to that.

Mr Scott: I don't want to add anything more than the points I've made, that if this bill is to go ahead despite all of the very good arguments against it, then I would urge that those amendments be made in order to retain at least the vestige of majority citizen participation.

Mr Martin: Most of the arguments that you've presented here today have been made by others in one form or another, and indeed even though we're not getting a massive number of municipal politicians coming, we certainly are getting quite a significant number of people concerned about the library system coming. Yesterday, all day, in the Legislature committee room, it was packed. It was standing room only at some points in the day. Friends of libraries, people from library boards, interested individuals coming to share with us their concern about this.

Today we have the same thing. Since 9 o'clock this morning this room has been virtually full of people with tremendous interest in this, concerned about the library system and showing their concern by taking time out of what was probably a busy schedule to be here, as you're doing, to present.

My hunch is that this is about money. It's about downloading. It's about trying to get money out of systems, any systems. It doesn't matter how valuable or essential they are to anything else. The only way it seems this government feels it can successfully get money out of the library system is to turn it over to the municipalities. They'll get it and then they'll be blamed for it and then ultimately you, as the board, if you're left, will have to make the real ugly decisions about cutting services. Then you'll get blamed and they won't. Do you share that sense or feeling or perhaps that rationale behind this?

Mr Scott: The feeling I share is that we work very hard at running a very lean and very efficient library system. I do not see where the savings exist by getting rid of unpaid, no-cost boards that are widely drawn from across the community. It makes no sense to me. I'm not billing the Cambridge library board for the time I spend on it; neither are the other people on the board. We do this because we think this is important. If we vanish tomorrow, if the government vaporises us tomorrow, not a dime is saved, not for the provincial government, not for the municipality. Eventually, the money is still going to have to come out of the citizen's pocket or service is going to have to be reduced and I don't think the citizens want that.

The Vice-Chair: Thank you very much, Mr Scott. We've run out of time. We appreciate you coming here today.

ST THOMAS PUBLIC LIBRARY

The Vice-Chair: I'd like to call on Rick Pargeter, the chair of the St Thomas Public Library board. Good afternoon, Mr Pargeter, and welcome to the standing committee.

Mr Rick Pargeter: Thank you. My name is Rick Pargeter. I'm chair of the St Thomas Public Library board. Carolyn Kneeshaw is chief executive officer and chief librarian of the St Thomas Public Library.

The St Thomas Public Library board appreciates the opportunity to commend the province for its acknowledgement of the value of public libraries in the purpose section of the act and to express its concerns regarding governance, funding and the provincial role in libraries.

The St Thomas Public Library board supports the present governance model of an independent body consisting of elected officials and citizen appointees. Municipal councils are assured of accountability because they make the appointments to the boards and control the library budgets. It has been our experience over the years that the citizen appointees bring expertise, time and energy to the library. They are in tune with the community interests and needs and have the time to focus on issues specific to libraries. Their commitment to voluntarism supports the government's desire to increase voluntarism in each community and inspires others to participate in volunteer activities.

Our library has an active friends group and more than 100 volunteers who assist with the delivery of materials to the elderly and participate in many fund-raising events. An independent board with a mandate to provide equitable access to public knowledge is prepared to withstand pressures during challenges to intellectual freedom and, with its arm's-length relationship to council, may serve as a buffer when issues of censorship arise. An independent library board can be accountable, responsive to community needs and a cost-effective means of delivering library services.

The board considers funding the critical issue. The board is concerned that the elimination of provincial financial support in the form of household grants will erode the impact of the provincial role in encouraging and supporting resource-sharing among libraries throughout Ontario. The provincial role in developing and maintaining a provincial database of library holdings and the delivery of materials through the interlibrary loan service is essential to the equity of access that we all value.

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The ability to have access to each other's collections allows libraries to focus on areas of strong local interest and to borrow other items when needed, thus saving money and eliminating unnecessary duplication. Without a clear provincial role there is a danger that municipalities will tend to look at the cost of sending material to other libraries rather than the advantage to the local library of borrowing instead of purchasing.

The province has recognized the contribution that individual libraries make to the provincial library system by providing funding through the household grants. The loss of provincial funding to the libraries has increased the pressure on the municipality when it can least afford to replace the lost revenue.

The rationale for phasing out provincial operating grants to libraries as explained in a ministry fact sheet was that "municipalities presently provide the great majority of library funding. The responsibility for funding education will be removed from municipalities. This will give local authorities greater financial flexibility to fund other services, including libraries." There is an assumption but no guarantee that municipalities will fund the difference.

The board recommends that a per capita funding requirement be written into the act to ensure that this lost funding is replaced. It is ironic that the province is moving toward more control of education while at the same time giving up its responsibility for libraries to the municipalities. What better way to encourage learning than by supporting a public library system? The province needs to do more than establish a series of principles if it truly believes in public libraries.

The educational role of libraries points to greater provincial responsibility given the provincial move towards a larger role in the public school system. Both public education and public libraries were founded on the principle that education benefits all of society and therefore should be publicly funded.

Public libraries have long been recognized for their role as a resource in formal and informal education. Teachers are becoming more dependent on the public library for curriculum support material and students require a broad collection for their independent studies.

Libraries have been called the people's universities because of their importance to lifelong learning. The Ontario Institute for Studies in Education, in its 1996 Public Attitudes Towards Education in Ontario survey, reported that 98% of the respondents said the public libraries were important in furthering the education of adults after completing their formal schooling. A further 81% thought that public libraries should become the main place where people can use computerized information networks in local communities if they cannot connect from their home or workplace.

The St Thomas Public Library strongly supports this role of electronic information provider and was in fact awarded the ministry's Award for Innovation in 1995 for its role in establishing the Elgin and St Thomas Community Centre for Information Access. The purpose of the CCIA was to introduce people to new information technology, in particular the Internet, and provide a foundation for future economic growth in St Thomas and Elgin county. The library was selected by its community partners as the appropriate site because of its role as information provider.

Libraries have been under many different ministries over the years. The question has been, where is the best fit? There is a strong argument for a stronger relationship between libraries and education, in particular a closer liaison with school libraries. If the library is viewed as a municipal responsibility, the question of where we fit is asked again. The board prefers to be lumped with education rather than with ball diamonds and sewers. It makes a better fit.

The government has stated that it wants to give people a hand up, not a hand out. Libraries provide an opportu-

ity for all people, regardless of family background or financial status, to educate themselves and contribute to society. Libraries are worthy of both municipal and provincial financial support.

The board has struggled with the issue of user fees and, because of the severe financial constraints on our library, is prepared to implement them if necessary to ensure the survival of library services.

Mr Shea: That was a very helpful presentation. You raised a couple of points that are worthy of some more considered review. As I preface my question, you understand the Association of Municipalities of Ontario has given a very strong endorsement to the legislation that's before us now, and as we've gone through the hearings we've found the municipalities on one side of the equation and some library boards, not all, unlike what my colleagues would have you believe, on the other side, as though there's some kind of confrontation here. Have you a sense of why that's the case?

Mr Pargeter: First of all, let me say that our board currently has and has had for many years a very positive, amicable relationship with our city council. I believe our city council supports library services within our community. Our concern lies in the fact that we don't believe the type of services we provide best fit within the realm of the municipality. We are a lifelong learning institute. More and more of our customers are there to educate themselves. That is a service unlike anything else the municipality currently provides.

Mr Shea: You raised that point very succinctly in your second last paragraph, so I appreciate that.

I was puzzled by your comments, and I have seen almost exactly the same wording now in about five or six deputations: "An independent board with a mandate to provide equitable access to public knowledge is prepared to withstand pressure during challenges to intellectual freedom and, with its arm's-length relationship to council, may serve as a buffer when issues of censorship arise." Let me just very quickly ask you: Why should there be a buffer between elected representatives and the people they represent, and in what way can a library board in fact give any kind of additional response to a very thorny issue than could directly elected councils?

Mr Pargeter: Our mandate as a board is to provide equitable library services to the community. That differs somewhat from a broader role that the council must play, and that is to other concerns of the electorate that we do not necessarily need to succumb to.

Mr Shea: I don't understand.

The Vice-Chair: I'm sorry; we're running out of time on this issue. I appreciate the complexity of the question. I must ask Mr Gravelle.

Mr Shea: I'd be happy to have a written response later.

Mr Pargeter: We will provide that for you, Mr Shea.

Mr Gravelle: Thanks very much, Mr Pargeter. I think you've actually made an important link with your presentation today. It's been there but it's never been stated quite as clearly as yours, which is that libraries are part of our educational system, that there is a very natural link obviously between the educational system and libraries. One can make the argument that it seems very odd that the government is saying, "We'll take over education but

we're going to send this back." You do make a strong point that that's the case, and I think probably the fact that some of the municipalities have been supporting the legislation is simply because it gives them some freedoms that they absolutely have to have in order to deal with some of the downloading.

I'm just curious about hearing more about your thoughts on the whole aspect of the provincial government itself. The fact is the lifelong learning concept is one the minister would probably agree with and I'm just wondering why she wouldn't accept the fact that indeed the provincial funding should remain part of that whole purpose.

Mr Pargeter: I don't like to repeat myself, but we believe that the role our library, and all libraries for that matter, provides the community is a source of information and a vehicle by which they can gain knowledge. That, we believe, better fits within the realm of education. If you look at how libraries have bounced around, over the years, between one ministry and another, I don't believe anybody really has a firm grip on where we belong, and it is our belief that we certainly don't belong with the municipalities, competing for funds earmarked for sidewalks and road construction.

1530

Mr Martin: I appreciate as well the effort that obviously went into putting this brief together and your coming here today to challenge all of us in our decision-making. As I've gone through this process for close to two days now, I can't help but think that this really isn't about library services; this is about this government finding money to meet its targets. Among those targets is a tax break to the better-off out there. That's creating all kinds of pressure on the delivery of services on a local level in communities, and certainly libraries are one of those.

I note today in the paper that the Minister of Finance has finally 'fessed up to the fact that municipalities, on top of the download, are now going to have to find a way to deal with the removal of the local business tax that was initially said not to be too significant but now is being discovered to be very significant. Municipalities — this is his comment — are going to have to deal with it. They're going to have to raise taxes on either the residential or the small business sector — the winners here are the big developers and the banks — and are going to have to turn their cross-hairs on libraries and swimming pools and all that kind of thing.

Mr Pargeter: In all fairness to the municipality, there are perhaps some economies of scale that could be realized by grouping us with a municipality in terms of clerical functions, accounting functions, maintenance functions, other non-library-type services, if you like. That's my view on why that would likely be the case.

The Vice-Chair: We've run out of time. Thank you very much for coming here today and making your views known to us.

CITY OF ST THOMAS

The Vice-Chair: I call upon Alderman Helen Schram. Good afternoon, and welcome to the standing committee. You have 15 minutes in which to make your presentation.

Ms Helen Schram: We very much appreciate the opportunity to be here this afternoon. As you've already stated, I'm Alderman Helen Schram from the city of St Thomas. With me is our chief administrative officer, Roy Main, and together we would be pleased to answer any questions you may have after we speak.

The city of St Thomas is grateful for the opportunity to provide input into the proposed Bill 109 and the various changes contemplated for the operation of public libraries. The ministry is to be applauded for its intention to establish an act wherein the municipality will have full authority to provide and effectively manage its library services. It is critically important, with the many other changes taking place, that municipalities be provided with the appropriate tools and mechanisms to accompany the responsibility for every service it is to provide.

It is with this general promise that the municipality provides the following comments on the act and urges the ministry to make modifications in the proposed legislation.

There are sections of the act where the city concurs with the proposed legislation and in particular urges the ministry to retain in any final draft of the new act. These sections are (1) the continued provincial support of and involvement in the province-wide public library network, (2) the guarantee of access to the library, and (3) the availability of special-format materials to residents with disabilities at no cost.

Each of the above speaks to the general intent of our library systems. The value of libraries as prominent sources of information and accessible bridges for the information gap cannot be overstated. There is a role for the province to play in the information industry as well, and the continuation of interlibrary access is an appropriate means for provincial participation.

The city does have two areas of concern with the existing legislation and respectfully requests the ministry to reconsider and make the necessary amendments to the final act.

The first issue is in relation to the proposed format for governance. The act requires the establishment of a board to oversee the library operation. While authority has been granted to the municipality with respect to size, composition and responsibility, the proposed legislation is restrictive in this one form of governance. It is strongly suggested that the municipality have the option of making the library the responsibility of the council or a committee of council or any other format, along with the option of appointing a board.

Libraries have many direct connections with the municipal operation and economies can easily be realized in the areas of finance, human resource management, information services and facilities management. The need for a board as the only option of governance is restrictive and removes flexibility for the municipality. The efforts of the Who Does What panel and the entire mega-week announcements were to reformat governance so that disentanglement could be achieved and opportunities for cost savings be enhanced. These can best be achieved when municipalities have the greatest degree of flexibility.

The second concern is the prohibition of user fees and other similar such charges for whatever services are deemed appropriate. The stipulation of guaranteed free

access to material places unnecessary financial handcuffs on the operation of the library. The exclusion presently provided within the draft legislation is a denial for the library to explore all means of raising revenue and covering the costs associated with the operation. It is requested that the ministry give further consideration to amending the act so that the library be given the flexibility to impose cost recovery charges for whatever service it deems appropriate.

The minister has stated that the new act will improve the delivery of library services and lower the cost for services because local officials know what is best for their communities. The city concurs that local officials do know what is best. As a consequence, the issue of governance and the ability to determine what should be free and what should be cost recoverable should fall under the mandate of the municipal council.

The act in its present form is negligent in these two areas, and the city respectfully requests appropriate amendments before the final legislation is passed.

1540

Mr Gravelle: Good afternoon. I find it a little confusing. I certainly appreciate the straightforwardness of what you're asking for, but I was just looking for the brief from — this morning we heard from another presenter who made it very clear that administrative efficiencies, melding departments, all these things, have been done in a number of communities with the governance situation the way it is now, that it is by no means an impediment to having savings. How does the governance situation as it stands now mitigate against you being able to make some of the savings?

Ms Schram: At present, our library and library board is an independent body that is funded by the city. To the extent that we provide the dollars, they make the decisions on how those dollars will be spent. If we are forced to look at how we're going to continue to fund our operations within the city of St Thomas, given the fact that we are doing it in reduced circumstances, we need to have greater control over how we can operate.

Mr Gravelle: But you determine the budget amount, as you will determine it next year. Obviously, you're under great pressures, like all communities are, and potentially much greater pressures in the future. The presenter this morning made it very clear that the library board he specifically mentioned, but I'm sure there are others, basically worked with the community and with the council. You might tell me that that isn't happening in your case, but I find that a little strange. It seems to be at odds with what we've been hearing in terms of the relationship between the library boards and the fact that the municipal councils have the line-by-line control of the budget. They did it that way and the library boards have to accept the realities.

Ms Schram: It is happening in our case. There are many instances of where we are sharing and thereby saving costs, but we need more flexibility to continue to save those costs. If we're being given the responsibility for completely funding libraries, we should have complete say on how they run. At this time, we do not have that. What we're stating is that if these changes are to take place, we would like to have the option of deciding

what sort of governance takes places within our community. Wouldn't you agree, Roy?

Mr Gravelle: It sounds like you're saying that with some reluctance. In other words: "In that we're being put in this position, we feel that is the only position we can take. If this is what we have to deal with, we feel we need this level of control."

Ms Schram: It's not reluctance, sir. We're faced with operating in reduced circumstances. We will have less money to do business, so we have to look at new ways of continuing to offer the same services we offer to our community at present and do it with less dollars. Therefore, we need a different way of governing so we can do that.

Mr Martin: I understand the pressure you're under. I sensed from the presentation by AMO yesterday that they were under the same pressure, that they were feeling the same angst about all this, that it isn't something they're going into gladly and excitedly. It's almost being foisted upon them because of the fiscal reality, the downloading — you were probably here when I talked about the further impact the Minister of Finance is now agreeing is going to happen to you — and how you deal with all of that.

Ms Schram: Absolutely.

Mr Martin: Then again, on the other hand we've had people come before us who have worked very hard, very committed and sincere people who have done everything in their power to make their libraries work in their communities. They work cooperatively with council. There's a creative tension always there. I think that's healthy in a democracy, to try and make sure that the best of library services, given the limited finances available, are in place. They suggest that the checks and balances needed are already there. They spend a lot of time, come from a place where they know and they understand library systems. It's second nature to them: They live it, they breathe it; they eat it, some of them. They want to put that together with you, who have a very real responsibility to the taxpayer on this limited pot of money you now have to spend. Is there no way of cooperatively doing that, short of putting it all together so that you have control? You said it just a minute ago. You want to be in control.

Ms Schram: First of all, let me say that there is no division between the city of St Thomas and the St Thomas Public Library board. A number of elected representatives sit on the board. I myself, during my entire first term of council, three years, sat on the library board. I have a great deal of regard for the individuals who work for the library board and those who are on the board now. I think they provide an excellent service in times of restraint. They have performed admirably against all kinds of restrictions.

I am not saying that a library board is not the best way to go. I am saying, do not give that to us as our only option. We want to have the freedom and the flexibility to choose what we should look like. We may decide, when we sit down and discuss it, that perhaps there is a better route to go. But at this point in time, one of the things we want to look at is, would the library and the citizens of St Thomas be better served if it was a com-

mittee of council or a department of the city? Until we sit down and look at all of the options involved, we don't know that. We're simply asking you to look at the proposed legislation and give us the freedom to make the choices we need to make that would be best for our community and others like us.

Mr Shea: St Thomas has become the quintessential illustration. You were preceded by your library board and now the council is here, and you have probably cut right to the crux of the whole debate. Let me take advantage of that, because time is very brief. I'll go quickly. I appreciate the title "alderman" before me as well. It's been a while since I've borne that title and it's an honourable one.

What we have before us right now, as you will understand, alderman, is that the opposition would have you believe that in terms of Bill 109, this is an issue just of dollars. The government would also say, more importantly, this is an issue of democracy and democratic process; this is a question of democratic responsibility and accountability. I want to cut to that question very quickly.

First of all let me ask you, are you aware, as a member of council, how you would recall a member of a library board?

Ms Schram: I must confess that I'm not.

Mr Shea: The answer is no. I understand that, and when you read the current legislation, you'll be astonished to note what little authority you have.

When you approve your library board's budget, what happens if the library board varies from your line-by-line approvals and begins to find other priorities and expenditure lines? What's your control at that point?

Ms Schram: What is our control of our budget once we allocate so many dollars?

Mr Shea: Once you have approved the library board's budget and that is now in the stream and it is done and finished, there's an imprimatur laid on it, what controls do you have if the library board does not report back to council but makes changes within its budget?

Ms Schram: Not a lot.

Mr Shea: Thank you. Let me ask you the question in terms of, if the library board is opposed by the public, if the library board is doing something that has outraged the public, to whom does the public appeal?

Ms Schram: They will certainly come to us.

Mr Shea: What can you do about it? Would the words "not much" ring true?

Ms Schram: I don't wish to be unfair to the library board but I would suggest that what we would do in this particular case — I know what would happen in our community. We would sit down together and talk about it and come to some resolution.

Mr Shea: I applaud that. That's the way a democratic process would run, but in terms of the constitutional structure, you have no control.

Library boards have come before us for the last two days and they have suggested that putting council members on library boards is not an appropriate thing to do because council members really, in most cases, neither have the time nor the interest nor the ability to give appropriate attention to library issues. Do you agree with that?

Ms Schram: No. I think that when we become an elected official, one of the things we do is commit ourselves to the amount of time that it takes.

Mr Shea: You are supposed to be involved, in other words.

Ms Schram: Yes, we are supposed to be involved, and we are.

Mr Shea: It has been charged that you can't get involved in thorny issues, that by having a buffer between you and the public, somehow matters can be resolved more amenable and more effectively. Do you agree with that?

Ms Schram: I wish someone had told me that six years ago when I ran for council.

Mr Shea: Do you agree, though? Is that the case? Should there be a buffer between you and the people who elect you?

Ms Schram: No, of course not.

Mr Shea: Thank you.

The Vice-Chair: Thank you very much for appearing here before us today.

1550

BRUCE COUNTY PUBLIC LIBRARY

The Chair: I call on Tom Boyle, the Bruce county public board chair, please. Welcome, gentlemen.

Mr Tom Boyle: I'm Tom Boyle, as was said, and I am an elected representative from Bruce county and chairman of the Bruce County Public Library board. The Bruce county library is a system of 18 branches stretching from Kincardine to Tobermory, with headquarters in Port Elgin, Ontario. I bring with me today Marzio Apolloni, who is the director of our system.

I'd like to make opinion on and bring to the committee here five points.

One is dealing with rural libraries. The loss of provincial funding will have a serious impact on rural libraries. We anticipated the loss of provincial funding in 1998 but fully expected to see a comprehensive user-fee package which would see the province take a leading role in developing criteria which would prevent libraries from preying on each other. We would rather not have user fees, but the loss of funding is forcing us to consider this option.

A user-fee package is important to libraries in rural Ontario, where a significant part of their revenue is from the province. Currently available provincial statistics show that on average the provincial operating grant represents 25% of rural library budgets. This committee should be aware that there are a significant number of libraries that are funded between 50% and 100% by the province. Significantly, they are all rural libraries. Presently most rural libraries can only provide a basic level of service and are not as well stocked in new technology as our urban cousins.

The proposed amendments will not allow charges to be levied for that service. The decision continues to rest with the province, in spite of the fact that the current county library board structure makes it very effective and accountable. We would suggest, then, that there exists little local control as the proposed amendments now stand. As such, the title of the bill is a misnomer.

With regard to provincial funding, it was the intention of the ministry that the loss in revenue would be made up by removing education from the property tax and that the resulting savings would be flowed to services such as libraries. Unfortunately we have seen that the resulting downloading and shifting of responsibilities will leave most rural communities with a deficit. Like hospitals and seniors' homes and other people-oriented services, libraries will be under increasing pressure as the population ages. Numerous studies and publications such as *Boom, Bust, and Echo* suggest that a major preoccupation for our growing senior population will be reading, information and self-empowerment through lifelong learning. These pressures must be borne by the local property tax base.

We would suggest that you examine the library system in Quebec, which is well known as one of the worst in Canada, in order to avoid emulating them. Their funding system is similar to what is being proposed in Bill 109 and the downloading efforts of this government.

Capital funding: Regarding capital costs, the province has always been a strong partner. Projects have been funded from 30% to 50% of the total cost. We interpret the amendments to mean this will be gone. If this is the case, then again rural libraries, because of the tax base, will suffer greatly.

Restructuring: We believe it is the ministry's intention that transferring responsibility to the local level will result in larger units of service which will provide a stronger library service system province-wide. Yet the proposed amendments have no clear mechanism to encourage such partnerships. We believe the current amendments will result in a fractured, uneven library system with no consistency, particularly in rural Ontario.

Where you live should not determine the value of your citizenship. We believe a further amendment should be made to the Public Libraries Act to encourage the formation of larger units of service. Grey County, for example, one of our neighbours where a county library system does not exist, has seven library boards, approximately 56 trustees and seven levels of administration. We would suggest that definitions describing larger units of service such as county libraries be retained. Considering the close relationship most libraries have with their local school boards, we would also suggest that library board jurisdictions should follow those of school boards. In our case, Bruce-Grey is our area.

Further, if the school-public library relationship is to develop as suggested in the Crombie report, the Ministry of Education should be considered as a partner in funding public libraries in Ontario. This is important particularly if libraries are moving into schools, as appears to be the case in many areas of the province. This would also eliminate potential entanglement of responsibilities.

With regard to governance, we have noted a rather active discussion in the library community regarding the lack of library board membership requirements in Bill 109. Overlooked in all of this is the fact that under the current act, elected officials make up the majority on county library boards. There is no evidence to suggest that this board composition is less effective. In fact it ensures accountability to the community it serves. Apart

from ensuring that the library board is representative of the community and that no members are employees of the board and county, we have no concerns with section 6.

We support the repeal of section 21 of the Public Libraries Act, which required county library boards to have the agreement of both the county council and the local municipality that operated the branch library before the county library was formed. This will allow boards to make broad service decisions. It also recognizes the changing demographics which we alluded to earlier, and I might add to that municipal amalgamations that are occurring.

Finally we would suggest that in all the points made, the recommendations of the Crombie report be considered. Rural and remote libraries and services will suffer more, and a mechanism should be established to mitigate the situation. We would appreciate if you would incorporate these suggestions into the amendments to the Public Libraries Act. All of which is respectfully submitted.

Mr Martin: Thank you very much. It's good that you came. I feel you've made a very valuable contribution to the discussion that we're having here. It evolves and unfolds as we go along.

It seems to me that what we have in front of us basically as a province is a financial challenge created in part by the government itself in some of the targets that it set and in a big part by the tax break that it wants to give to those who are fortunate enough to have a good job and the rich in the province and created by this move now to download the cost of services on to municipalities because the federal government is doing that to them. They decided, "It worked for them; we'll do it too," downloading the cost of expensive and non-fixed costs to municipalities. They think that will solve the problem.

Libraries then come into the net that's cast. It's felt by this government that to put libraries directly under the governance of municipalities — and by way of the conversation that we've heard here this afternoon and partly yesterday, there should be no doubt in anybody's mind any more that that's where we're headed. This legislation is set up to eventually see library boards come directly under the governance and direct control of municipalities. Will that be helpful?

Mr Boyle: Maybe I'll let our director address that. He works within the system every day. I do think it would be helpful to give us the tools we need to do the job we have to do. As county councillors, we're not too bad with arithmetic. We can figure out how to manage our library systems effectively. It's always nice to have lots of money. If the toolbox is lacking the hammer and the screwdriver, then we have a problem. Maybe Mr Apolloni would like to make a comment there.

Mr Marzio Apolloni: When it comes to working with the local municipality, we have what I would describe as a pragmatic relationship with our council: whatever it takes to make things work. But the fact that we have a majority of councillors on our board, as the report stated, doesn't make any difference to us. We operate as well as we can. Again it refers back to accountability.

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Mr Skarica: Forgive me for saying this, sir, but when I listened to you and noted your inflection and voice, you

sounded exactly like Al Leach, our Minister of Municipal Affairs, which is either a compliment or an insult, depending on your political point of view.

I found your comments regarding section 6 interesting because we had this comment from another presentation, and I'll read it to you: "Special interest groups will quickly realize that if they wish to have materials inconsistent with their beliefs removed from public library shelves, they will be able to go to council and pressure for elimination of those books." You seemed to not have any concern with that. Do you feel that will be a problem in the future?

Mr Boyle: In discussion with my director he has never exhibited any problem with the issues of censorship. It has never really come to our board in the last three years I've been on the board. It doesn't seem to be a problem. Maybe you'd think it would be a problem in rural Ontario, but it's not.

Mr Skarica: Has it ever been a problem, to your knowledge?

Mr Boyle: Not to my knowledge.

Mr Apolloni: The only time we have had an issue of censorship is usually in the school board system rather than the public library. We react to what happens in the school board by providing the actual material that they're questioning so the public can make a decision on whether it's good or bad. We've never had a problem.

Mr Skarica: It has been pointed out that when there is a book banned in the school, the public library has to buy it, to supply it.

Mr Gravelle: Thank you very much for your presentation. It was very helpful. Actually the county board presentations have been really interesting today because there is obviously a distinction between county boards and other public boards in terms of communities, and I think one of the points is the whole membership of the board, that elected councillors often have more numbers. There's a reason for that, isn't there, in terms of the fact that you're representing a number of municipalities, so it works. But I take it that you wouldn't in any way denigrate the value of the non-elected members who are on the board as well. They provide a significant role of continuity, I'd presume.

Mr Boyle: Not only continuity but expertise. We can select people from the population who have experience in library business. We have members of our board now who are retired directors of library systems. So we have that option. I don't think that if we had a good board member — I think we should be able to manipulate the numbers in our board and the proportions of our board to give us the best service from our board.

Mr Gravelle: Are you involved in the municipal amalgamation process right now? Is Bruce county involved in that at all?

Mr Boyle: Yes.

Mr Gravelle: So all this will have some real massive impact in terms of how that shakes down and in terms of how you're affected in the libraries themselves, because it gets confusing, does it not?

Mr Boyle: The libraries will probably be there after the municipalities are gone. We were there before they built the roads, so I imagine we'll be there afterwards.

Mr Gravelle: But if you've got a problem in terms of funds available, obviously that's another issue altogether. With the provincial funding absolutely disappearing and restructuring itself and the downloading happening, it does create some concerns, I presume, in terms of just being able to have the funds to do it, to maintain the services.

Mr Boyle: Yes, provincial funding is important to rural libraries right now.

Mr Gravelle: And the loss of provincial funding obviously, as you've mentioned some are funded up to 50%. I'm from northern Ontario; I know what it means in terms of some of those communities, the loss of the provincial funding, I mean. I'm not trying to lead you, but it seems to me that it's fairly obvious that it would have a fairly dramatic impact on being able to maintain certainly the level you are now. In some places, some branches are just potentially not going to be able to stay open unless you can maintain a certain level of funding.

Mr Boyle: We were forced to close two branches. We were forced to lay off an assistant director. We were forced to make cuts throughout the system. We're shutting down for two weeks this year. The loss of provincial funding is having a detrimental effect on the system. It then becomes our responsibility to encourage our communities to take a look at their libraries and focus on them a little bit more, where maybe they had not focused before. In a county system, you generally have the village or the town or the municipality supporting the walls and the carpet and the fixtures of the library, and then the Bruce county system will supply the material and staff.

The Chair: Thank you, gentlemen, for coming forward and making your presentation to the committee today.

CHATHAM PUBLIC LIBRARY

The Chair: Would the representative from the Chatham Public Library board please come forward? Good afternoon. Welcome to the committee. I'd appreciate it if you'd introduce yourselves at the beginning for the benefit of the committee members.

Mr Hugh Thomas: My name is Hugh Thomas and I'm here in the unique position of city manager for the city of Chatham and CEO of the Chatham Public Library. I have with me the chair of our library, Irene Carey, and our director of library services, Sally Scherer.

We are here in support of the legislation, and I guess our presentation is going to take more of the form of a case study of what can happen if you develop a close affinity between the municipality and the library board.

I'm here to speak on behalf of the need for flexibility within the library legislation. In the challenging times ahead library boards and local councils need flexible legislation that stimulates creativity to tailor their services to the needs of their communities. Municipalities need the full authority to effectively manage library services for their citizens. Innovative local solutions will be the key to survival and to success in the new reality, a province in which municipalities are clearly expected to accomplish more with less.

The Chatham Public Library applauds the steps taken in this direction in the proposed legislation. If anything,

Bill 109 does not go far enough. Since 1993, the Chatham Public Library has operated under an innovative governance structure under which I, as city manager, also serve as the CEO and secretary-treasurer of the library board. The so-called Chatham model meets the requirements of the present legislation but links the library much more closely with the city's administrative structure. For the city of Chatham, its library and its taxpayers, this change has been entirely positive.

The Chatham Public Library board took this unprecedented step because the traditional governance structure was not working. Faced with a zero-increase budget in 1991, the library temporarily suspended its reserves and bookmobile services. The following year the library budget was cut by 12%, leading to a 20% reduction in hours. The audio-visual department was closed and the bookmobile was withdrawn completely. Reserves and telephone reference services were also discontinued, eight employees were laid off, and these cutbacks had a devastating effect on staff morale. Because of the reduced hours and services, usage of the library declined.

In the spring of 1993, the library board approached the Chatham city council, looking towards increased cooperation with the city administration. In fact both the library board and the union requested the city to take the library over as an operating department. In June of that year the council offered my services as a library CEO and secretary-treasurer. The Chatham Public Library remains as an independent organization, and the board continues as a duly constituted board. The director of library services, a professional librarian, is responsible for the library's operation, reporting to the library board through me.

The primary difference is that the library is now allied more closely with the city administration and can draw on the expertise and resources of the city's personnel: legal, finance, building maintenance, computer services and engineering departments. Significant savings have resulted since the city extended these services to the library, including building and grounds maintenance, accounting, labour relations, benefits administration, systems support and education. At the same time the decision-making process has been streamlined.

In accordance with the Carver model, the Chatham Public Library board is responsible for the setting of policy and a direction for the library, but relies on me along with the director and her staff to manage the operation. Costly duplication has been eliminated in administrative support in areas such as accounting and labour relations, freeing up funds for what really matters: services, equipment and materials for the public.

The Chatham Public Library is once again open 60 hours per week. Virtually all lost services have been restored, the entire library operation has been automated and our Internet centre, with six public workstations, opened last July. We've introduced compact discs, CD-ROMS and books on tape. There has been an influx of new equipment and our 30-year-old building will be updated later this year. All of this has been accomplished on a flat-line budget; no increases in the last four years.

I've mentioned that our successful administrative restructuring took place despite, not because of, the

current Public Libraries Act. Rather than enabling, that legislation is disabling with too many prescriptive clauses which limit innovation and discourage local solutions.

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We support the steps taken in the proposed legislation to minimize restrictions on the appointment and attendance of library board members and particularly on the frequency of library board meetings. We've found that since we've been operating under the Carver model agendas have lightened considerably and meetings are shorter and much more amicable. On occasion, our board has held a meeting simply to meet the terms of the legislation. There's nothing more frustrating for busy people than to hold a meeting just for the sake of meeting.

I'm not saying that under the new legislation the Chatham city council would rush to change the size or composition of the board or that they or the board would significantly reduce the number of meetings held annually. I'm simply saying that we appreciate being given the latitude to appoint and to meet as dictated by local requirements.

With respect to user fees, Chatham Public Library is reluctant at the present time to implement them, but we also recognize that very soon the new financial realities may necessitate them. We've all heard that Ontario's public libraries have been free for generations, but we all know that there is no such thing as a free lunch.

Clause 14 of Bill 109 gives boards the right to charge fees for public library services, but I understand that general membership fees are precluded by this regulation under the Municipal Act, prohibiting fees for borrowing print materials. This ties libraries' hands unnecessarily and flies in the face of survey results which indicate support as high as 70% in some communities for general membership fees in order to preserve library services.

A piecemeal system with user fees for some library services and not for others is confusing for patrons and time-consuming for the staff, and given that the bulk of library circulation transactions still involve print materials, such an approach will not generate the funds required to offset the loss of provincial grant moneys. Libraries need the flexibility to make the user fee decision appropriate to their community and any limitation on that right is unwelcome.

In conclusion, the Chatham Public Library board supports those aspects of Bill 109 which increase the flexibility with which municipalities provide and manage library services. We consider our non-traditional library governance structure to be a good example of the imaginative and effective solutions that can result. We would all be happy to answer any questions you may have.

Mr Young: Thank you very much for your presentation. It gives a lot of facts and detail. But I'd like to ask you something on a related issue we've heard about a number of times throughout the hearings, and that's intellectual property. There are a lot of people who were skirting the issue, I think, in the hearings. They're worried about municipal officials interfering in their choice of books or they're worried about some minority community group taking over the library board or through the council, forcing them to get rid of books like

Huckleberry Finn because it has racist language, or *Catcher in the Rye*, because they feel it's important literature, etc. We think these decisions should be made locally with accountability, that it's not a matter of censorship but a matter of choice.

I have a concern. I recently visited Project P, which is the OPP task force on pornography, and I saw a number of things which I wouldn't describe in mixed company, very ugly things. One of the things I saw was NAMBLA magazine, the North American Man/Boy Love Association. It has pictures of choirboys and it has articles on how to seduce them. It's really awful, awful stuff. If there was a library board that wanted to buy such a magazine and supply it, what would happen in a board that had some municipal accountability like yours?

Mr Thomas: In our board, with respect to the relationship with council, the board makes all of those operational decisions.

Mr Young: Mr Martin's party does not believe in any censorship at all, so they would think that's perfectly all right. They've been after me because I'm saying such a decision should be made locally. Do you agree with local accountability?

Mr Thomas: Yes, I do.

Mr Martin: Excuse me. On a point of order —

The Chair: Just a second, please, Mr Young. Order.

Mr Young: Am I still on my time?

The Chair: Yes, you are, but I can interrupt you at any time I want as Chair. I understand what the point of order coming up is and I think that should be withdrawn. I don't necessarily think that's true. You've imputed and said something that isn't necessarily true.

Mr Martin: I can speak —

Mr Young: No, wait a sec. In the House, the NDP spoke and Bud Wildman spoke a couple of weeks ago about the fact that they didn't approve of any censorship, and Mr Martin was criticizing me personally yesterday saying that I was censoring, quoting out of the *Globe and Mail* —

The Chair: Right, but every individual in that party may have a different view and you said "that party doesn't think," and I don't think that's fair.

Mr Young: They don't support censorship.

The Chair: You could have said Mr Wildman made a comment in the House or something, but to say every party doesn't support something —

Mr Young: Well, based on comments Mr Wildman made in the House and Mr Martin made in committee yesterday, they don't support any censorship. That's the clear impression I got.

Mr Martin: If you want to get into a debate around censorship, we can.

The Chair: And we won't, because we're not here to have that debate.

Mr Young: This is not an issue of censorship. I'm trying to tell Mr Martin, it's not an issue of censorship, it's an issue of community choice and accountability.

The Chair: We're not here to have that debate.

Mr Young: So if I can please have the floor again.

The Chair: You have about 30 seconds left because I interrupted.

Mr Young: If they wanted to choose a publication like that, and there is municipal accountability, what would happen?

Mr Thomas: The book would be purchased by the board, by the staff, and if there was an issue in the community, that would come back to the local board.

Mr Young: How would that happen?

Mr Thomas: How would that happen? By complaint. We've never had it happen.

Mr Young: Through elected officials?

Mr Thomas: Elected officials ultimately.

Mr Young: It happened in my riding. It happened with an inaccurate and sensationalist, ghoulish book about Paul Bernardo, because one of his victims lived in Burlington. The family begged them to take it off the list, not make it available — anybody can buy it at the corner store for five bucks — and they refused. They shook their heads, they said no. That family had nowhere to appeal and nowhere to go.

The Chair: Thank you, Mr Young, we're at the end of your time.

Mr Gravelle: I think the point you were making was that the library board makes the decisions in terms of those issues. You have a board in place?

Mr Thomas: Yes, we do.

Mr Gravelle: You have a board in place that makes those decisions, and I take it that the board system works very much the way it is. Obviously you deserve some congratulations. You've done some remarkable things with the library and that's tremendous. But you do work within the board function and you obviously work successfully within the board governance model now. I realize what you're saying very clearly, but having said that, you're not saying it hasn't worked. This is a board structure that actually you work quite well with.

Mr Thomas: We're saying it has worked in spite of it.

Mr Gravelle: I'm curious, if I may ask you, just what are some of the other examples? The one you used as an example was you held meetings that you didn't really need to hold because of the regulations, but what other impediments are there? It does strike me that what you're talking about is that having the board structure in place is useful, and I would presume that you would — I shouldn't presume, I should ask you. Would you maintain a library board structure if you didn't have to?

Mr Thomas: If we didn't have to, I'm sure it would be a committee of council. We have a number of services that are provided by the community and there's no legislative requirement to have public boards or public committees. But the council has chosen to do that and I believe councils would do that because councils are interested in the special interest groups that may be in a municipality with respect to the service that's being delivered. Ultimately the council's responsible.

Mr Gravelle: Can you accept at all the argument or the case that's being made that with increased pressures that are coming up on municipalities and having to make some decisions to basically have funding demands, whether it's pothole repairs, which is a big issue, or seniors' housing or it's libraries, that putting this basically all into the hands of the municipality puts them in a very difficult position and makes it very difficult, and

there should be still some provincial involvement, perhaps even in terms of provincial grants? Do you accept any of that as being a legitimate concern that you would have?

Mr Thomas: That the province should continue to fund?

Mr Gravelle: The first part was just the sort of differing demands in terms of what councils have to do and that certainly it puts pressure on — you're going to have constituents calling you saying, "I want that pothole fixed," and maybe not being as concerned about another issue. Those are the kinds of demands that councillors are under all the time.

Mr Thomas: This is one of the reasons why I feel that councillors should be involved, because they have the broader perspective of the needs of the community. Boards and commissions all suffer from a common municipal disease called siloitis and they do not see the broader needs of the community. I think that's an element I've been able to bring to our library board, that they are able to see what the council is faced with in terms of the competing demands for services within a community and it helps them to understand in their decision-making process to help provide for tradeoffs that are going to have to take place with our lack of funding.

1620

Mr Martin: I have to say, as others have, that I'm impressed with the work that you and your library board and your council have done to come to terms with the reality that we find ourselves under. I suggest you're going to have more work to do as the present onslaught takes hold.

Just a couple of points, though: One is, this was all done under the present legislative realm. You said there were some roadblocks in it, some hurdles you had to get over, but some people call those checks and balances. Some people call them places where you stop and assess where you've been and what you've done and that kind of thing.

There are some library boards out there, and we've had many of them in front of us today and yesterday, that suggest a bit of fear and anxiety in facing the financial crunch that we are in today and the need of councils to become a lot more direct and involved in those decisions. For example, we know of a board up in Ignace that is going to lose its library. Over the last short few years, volunteers in the community, charitable dollars, the provincial government built a brand-new library, a beautiful facility. The mayor has now indicated that once this new legislation goes through he's going to take the books out of there, turn them over to the schools and turn that new building into a municipal office. It's an extreme example. I think you're on one side; they're on another.

Through this legislation and considering some of the recommendations you've made to remove any check and balance out of there whatsoever that boards might have to the power of council to just come in and take over, how do you give them any comfort that this isn't what's going to happen and that it won't be as cooperative as the experience you've had.

Mr Thomas: I guess it's going to depend on the circumstances in each municipality, but generally in

Ontario large urban municipalities do have a number of advisory boards and committees to give council advice prior to making a decision. Ultimately the decision is council's decision and council is the one that's held accountable to the public. They are the elected people.

When we went through the devastating effects in 1991 when the budgets were being reduced, the public didn't come and complain to the library board; the public came directly to council and council was put on the spot then to try to resolve some of the internal workings to come up with efficiencies to offset the cuts that had taken place. I think it was at that point the board realized that they would be better off to have a broader base of knowledge and cooperate more with existing facilities and resources that are available in a community instead of duplicating them, to cut costs and maintain service, and we demonstrated that can be done.

So I think there's fear, and obviously any time there's any change there are all kinds of bogey men come out of the woodwork to say this will happen and that will happen. In the final event, the councils are accountable, the councils are responsible, and I think they will act in a responsible manner.

I've heard over the years that if you take the grants away from the highways, they're going to spend all the money on swimming pools. Well, in fact that hasn't taken place. I think we have to realize that municipal councillors are responsible people and they are accountable to the public, and how they choose to manage their various resources within the community should be left up to that local council to determine that.

The Chair: At that point, you've gone a little bit beyond your allotted time. I want to thank you for coming forward and making your presentation to us today.

WINDSOR PUBLIC LIBRARY

The Chair: Would Steve Salmons and Marilyn Scase please come forward. Good afternoon. Welcome to the committee.

Mr Barry Fowler: Good afternoon. My name is Barry Fowler; I'm the chair of the Windsor Public Library board. I'm joined by Steve Salmons, our acting CEO, and Marilyn Scase, our director of central library services. We recognize that our presentation is at the end of the day after many, many speeches over the last couple of days, so we thought the timing would be appropriate to introduce a few amendments:

"Therefore, despite subsection (1), no regulations affecting the residents of Abbot Street will come into affect unless the minister provides 30 days notice to those residents."

"Abbotsford, Acadia, Adanac."

Mr Martin: All those in favour say "aye."

The Chair: Nay, nay, nay.

Mr Fowler: Really, when we speak of amendments, we believe only a few are required; which ones depend upon what the true intent of this change to the legislation is.

Is your intent to encourage entrepreneurial activity within libraries? At Windsor Public Library we have a

wood carvers museum in our main branch from which we receive rental income; we have an Internet cafe where we receive a percentage of gross sales; and we have instituted fee-for-service research. Each of these was accomplished under the existing act.

Is your intent to encourage libraries to seek community partnerships with other public and private agencies? We have partnered with the Essex Region Conservation Authority to share a curator for museum services. We have partnered with our police services board and board of education to establish a library, community police station and elementary school in one building to save taxpayers money, so there you can hit the books, get booked or get a book. We have partnered with our university, community college and hospitals to create the WEDNet consortium which will establish a fibrelink communications connection to the world. We accomplished each of these under the existing legislation.

Is your intent to promote greater resource sharing with the municipality? We currently provide heritage services and a municipal archives for our city. We share legal, automation, some human resource, finance and transportation services. We did all of this under the current legislation.

Or frankly, is it your intent to simply withdraw provincial funding under the guise of local control? Should you not amend the name of this legislation to the Local Funding of Public Libraries Act, 1997? If your intent is truly local control, then why have a Public Libraries Act at all? Under Bill 26 you already allow municipalities to provide library services and impose whatever schedule of fees they want. However, the imposition of those fees results in the loss of provincial funding. Under Bill 109 and purported draft regulations to the Municipal Act, you seek to prevent the imposition of certain fees by your sheer will alone, as there would be no funding to withdraw. So if your intent is local control, scrap the Public Libraries Act altogether and let municipalities set all of their own rules.

We believe you've not put forward the legislation that way because that is not your intent. You recognize that there is a role for the province to play, but money is tight. However, if you want to play, you have to pay. We also believe there is a role for the province to play and pay. The province should ensure that library boards are maintained with a minimum of five members and a minimum of 40% citizen content; that the province should develop uniform goals and standards for library services; that the province should establish benchmarks of excellence and financially reward those libraries that achieve them; and finally, that the province should define core services throughout Ontario in consultation with the library community.

In summary, we believe you should say what you mean and mean what you say. If you mean local control, then give the municipalities full local control. If you believe the province has any role, recognize the price of admission. We want a province that supports excellence in library services and that financially supports these initiatives, and we at the Windsor Public Library wish to support the government in these directions. In keeping with the theme of the new act, copies of my speech are

available by sending \$2 and a self-addressed envelope to the Windsor Public Library.

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Mr Gravelle: Good afternoon. That was a great presentation and it really woke us up. It got us back into the spirit of things. You've done some pretty amazing things at the Windsor Public Library. It's remarkable, and you have done it, as you said, under the present legislation.

I think you've made a really valid point here in terms of what this is really all about. What is the intent of the legislation? It's probably pretty clear that it's a way to get out of provincial funding on the operational basis, one of the methods. You're right, and I think probably the minister herself would talk about the fact that a great deal of this is a compromise. Obviously those of us in opposition — I can certainly speak for those in the Liberal caucus — have some great concerns about the withdrawal of provincial funding, the whole question of citizen involvement on boards. I'm glad to hear you still think that has great value.

The whole issue of core services is interesting. This is the second time we've heard the thought that actually there should be some consultation on what core services are. I'm presuming, and you can maybe amplify this, that you're talking about the fact that they've made a decision that it's print material, and that you think this should be open for discussion and that indeed, if it's going to be done in the proper fashion, there should be consultation. How do you see this consultation happening? I think it's a good idea. How do you see it happening and what can you suggest in terms of bringing that forward?

Mr Fowler: As I understand it, our board has tossed around the idea about the imposition of local membership fees or card fees. As we read the act, it's a fine line but there's nothing that specifically states that you can't charge for a card fee, just that you can't charge to borrow. So we could only lend to those people who have a card, and the card comes with a fee.

We have seen in correspondence from the minister that that would be shut down through a draft Municipal Act regulation. We think that the imposition of these draft municipal regulations to further define or tighten up the act would be the proper forum in which to have that type of discussion.

Mr Gravelle: I must admit I was presuming that you were talking about core service in terms of what services should be, free and not free as well.

Mr Fowler: Absolutely.

Mr Gravelle: That's really important because, to tell you the truth, I do think that in some ways this is a setup. A Municipal Act regulation is a regulation and you can do a one-two step pretty easily in this process. People can say I'm cynical, but I think that's what this is being set up to do.

In terms of the consultation with the libraries, though, a lot of it was cut off. The Crombie commission didn't consult anybody. It made some nice, grand statements. Consulting with the libraries, particularly because there are a lot of different points of view out there, strikes me as a good idea. If you can bring forward your ideas of how that consultation process can be done, I'm sure it

would be appreciated by the Ontario Library Association and a bunch of others, because I think there needs to be more consultation, not just this top-down stuff.

Mr Martin: You've obviously, as Mr Gravelle has said, done some really interesting and innovative things to rise to the occasion, the challenge of the dwindling dollar that's out there, and, as Mr Gravelle said, you've done it under the present legislation. The previous group that was here, in spite of the challenges they face because of the legislation, have also done some innovative things in partnership with their community to save services and move this agenda ahead.

It seems the question is coming down in some ways to a question of who can be more accountable, who can be more responsible? The government is suggesting that appointed library boards are not accountable, they are not responsible. They are at arm's length so they can do things without having to consider I don't know what. On the other hand, municipal government is accountable, is responsible and, because of that, we have this shift now through this legislation to more power and more control by municipal councils. What's your sense of that? Who is more accountable, who is more responsible and how does that fall for you?

Mr Fowler: My understanding is that library boards are appointed by their municipal councils so the accountability factor I believe extends from there. Our position is that we believe there should be a minimum of five people on any library board of which only 40% would have to be citizens. The five scenario would allow for a majority of councillors to be appointed to the library board and to swing the vote, if you will, if they choose.

Conversely, in keeping with the theme of the government's position, if they chose only to appoint one or none, they would be free to do so. But we think it's important that they have that flexibility because after all, especially after this act is passed, our municipality will be funding 93% of our budget whereas currently they fund somewhere in the 85% to 86% range.

I don't believe that one is better than the other in terms of accountability, but I certainly recognize that there is accountability in the electoral process within the municipalities. Therefore I think it's important that the flexibility remain within the municipal councils but that it be tightened up somewhat from where it is right now in the draft legislation.

Mrs Munro: I certainly appreciated hearing some of the ideas that you've been able to put forward that clearly demonstrate a leadership role under the legislation as it stands. You raised the issue of what the province's role is. I wondered if you would care to comment on the identified provincial role in terms of supporting a framework across the province. Currently, of course, that tends to concentrate on the interlibrary loan system, but we know that it also then is going to be much more technologically updated and provide a kind of access that certainly up to now hasn't been there to the same extent. I just wondered if you'd comment on that as part of the province's role.

Mr Fowler: Absolutely. In terms of the interlibrary loan network, we have imposed fees to other libraries that wish to borrow from our library. We identified the

amount of staff time that was involved in processing these, and after the imposition of fees, where before we were on a four-to-one basis in terms of what we lent versus what we borrowed, that has come down to more of a one-to-one ratio. We found that most of the requests were coming from smaller rural libraries. We believe that if the province continues in this vein and they do not want to see the imposition of fees in that regard, then they should be willing to come forward with some compensation to the net contributors to the system to fund them for their staffing costs.

Mr Skarica: I have my \$2 here for a copy of your excellent presentation. I'm really intrigued by your presentation and the Chatham Public Library because it seems you've already taken many steps in achieving partnerships. Can you tell us how in your particular instance that came about? Was there a fiscal problem that you had in the 1990s? Just how did that come about?

Mr Fowler: The city of Windsor went through an exhaustive 15- to 18-month process of coming up with the community strategic plan. At the same time that they instituted theirs, we instituted our own at the Windsor Public Library. Interestingly, the theme of partnerships was identified as a major tenet in each of those plans, albeit independently. Therefore that has been our focus, even to the extent of talking with our neighbours in the county about how we can share administrative services for the benefit of all.

Mr Skarica: I just want to compliment you. It's very innovative and refreshing to hear your presentation.

The Chair: Thank you for coming forward today and making your presentation to the committee.

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ONTARIO SCHOOL LIBRARY ASSOCIATION

The Chair: Would Reg Deneau please come forward. Good afternoon, sir, and welcome to the committee.

Mr Reg Deneau: On behalf of the Ontario School Library Association, I want to thank you for making these opportunities available across the province for input of individual citizens and others.

My presentation is slightly different in that I am focusing on people who do not pay taxes, people who do not vote on any legislation at the present time, who really don't have a direct voice in any legislation, and that is kids.

I'm a secondary school teacher-librarian and my school board's appointee to the Windsor Public Library board. I am present as president of the Ontario School Library Association to specifically address concerns for school-age Ontarians, the K-to-12 population.

The Ministry of Education and Training draft document Information Literacy and Equitable Access provides a rationale for re-evaluating and altering our institutions. It states:

"Ontario is experiencing dramatic social transformations. The racial and ethnocultural diversity of our population is rapidly increasing and many of our society's long-held beliefs and institutions are being re-evaluated and altered.

"At the same time, advances in computer telecommunications and technology are transforming our economy

from one based on manufacturing to one based on information. Futurists say we are rapidly becoming an 'information society' — a society in which the abilities to find, evaluate and use information are essential to personal satisfaction, economic success and participation in our social and democratic processes."

Section 2 of the act identifies the purposes. While as an educator I am personally concerned about how and when these stated objectives will be deemed to have been met, there need to be specific regulations supporting those purposes.

Information needs must be provided in an appropriate and timely manner, responsive to community and individual needs, without barriers and founded on principles of equity of access and intellectual freedom.

In *One Place to Look: Ontario Public Library Strategic Plan*, co-sponsored by the Ontario Ministry of Culture and Communications and the Ontario Library Association, equity of access as it relates to public libraries was addressed:

"Small Ontario communities often have very limited bases from which to develop and support public library services...size of community constitutes a serious barrier to equity of access to public library service in Ontario....

"Small public libraries, those serving a population of 5,000 or less, constitute nearly half of the public libraries in the province and provide service to over 400,000 Ontarians."

In many of these smaller communities, northern communities or perhaps native communities, the public library is the only library facility available for the school-age population who are following similar curricula, completing similar assignments and independent studies as their urban counterparts.

Information Literacy and Equitable Access addressed the equitable access issue as it relates to schools:

"The Ministry of Education and Training is committed to providing all students in Ontario with equal opportunities to achieve their potential and recognizes that access to information, information technology and information literacy instruction is fundamental to meeting that commitment."

Later in the same document the issue for individuals and society is addressed. "Equity of access to information, information skills and information technology is crucial...."

If there are no school library information centres, the onus is on the public libraries to provide the resources and programs needed by the school-age population. This leads to a discussion of funding and standards which I will address later.

Section 10 states that a board may make rules imposing fines for breaches of the rules. If overdue fines are deemed to be part of the rules, how will this be enforced on children? Should children and seniors on fixed incomes be subject to the same fines as all other patrons? Will parents be billed in the future for their children's fines? We want our children to grow up to be responsible adults. The reality is that many children and adults stop going to the public library because of the excessive fines they now incur in some municipalities.

Another reality is that in 1994 one in five children under 18 lived in families below Statistics Canada's low-

income cutoff; 24% of children under age 12 live in low-income families; 86% of lone-parent families are headed by a mother; 30% of lone mothers have incomes \$1,000 to \$9,999 below the low-income cutoff; in 1994, one in six children under age 12, 681,000 of them, lived in lone-mother families; six in 10 female lone-parent families were below the poverty level in 1991; in 1995 there were 1.5 million poor children; in 1994, 12% of families had at least one parent unemployed for more than six months of the year.

Who will monitor the rules that boards set? Will there be exceptions for children? Who decides? How will children of the parents I've just described afford fines or the possible fees referred to in the following section?

The Ontario Ministry of Citizenship, Culture and Recreation regulation to amend Ontario regulation 26/96 made under the Municipal Act states:

"A municipality or local board does not have the power under section 220.1 of the act to impose fees or charge for...(b) use by the public of its libraries' 'collections' in the library."

Where is the definition of "collection"? The Fact Sheet: *Local Control of Public Libraries 1997* uses the word "resources." In correspondence with the Ontario Library Association, it is stated that the word "collections" was intended to mean "materials," as found in the Public Libraries Act.

How does this apply to CD-ROM, videocassettes, audiocassettes, book and cassette combinations, online databases and the Internet? All of these are being used by our school-age population on an increasing basis.

If only print materials are considered part of the core service, what will be the impact on children who are visual or aural learners? Many resources are no longer available in print, only electronic.

Does this mean the school-age population will have to pay a fee for borrowing the abovementioned materials? Fees for electronic references would be a barrier to access to information for children, especially those of low-income families. Are we going to create a society of people who can afford access to different resources and people who can only use some materials, based on their income levels?

The debate regarding user-pay services is recognized as divisive within the library community. Format must not limit accessibility. The imposition of user fees to recover the costs of investment in new technology threatens to undermine the right of all Ontarians to access information and knowledge so necessary in a modern society.

Phasing out operating grants and removing the responsibility for funding education at the municipal level is supposed to give local authorities greater financial flexibility to fund other services, including libraries. This again raises the issue of equity of access and standards of public library service.

School library information centres, as noted earlier, are concerned about equitable access as well as standards. Ontarians of all ages deserve equity of access; they also expect certain standards of library service, be it in their schools or public libraries. Allowing individual municipalities sole funding responsibilities for public libraries

will lead to inequities and various standards, depending on their perceived priorities. "Do we build new roads or improve the public library system? Potholes or pathways to information?" As stated earlier, small communities often have limited databases from which to develop and support public libraries. Some public libraries will undoubtedly close, leaving students with no access to resources in areas where school libraries have already been closed.

Recommendation 15.2 of One Place to Look called for standards, providing libraries at various levels of development with performance targets on a scale of achievement from acceptable to excellent. Provincial standards of service must be clearly stated to encourage public libraries to work towards equity of access.

Recommendation 15.4 noted that in 1986 the Ontario government established a special \$50-million excellence fund for universities. One of the stated purposes of this fund was to improve university library collections, which were not keeping up with demand because of extraordinary increases in the cost of books and periodicals.

Public libraries in large metropolitan areas are scrambling to provide the resources demanded and needed by the public in light of already reduced grants. They find themselves in the same predicament as did the university libraries in 1986. This is more alarming in smaller communities. Libraries are forming partnerships among other types of libraries, with other public and non-profit organizations, and with the private sector. This is true in schools as well. The question is, do we want public libraries at the mercy of a corporate partner with an unknown agenda?

In addressing such partnerships, information literacy and equitable access, note that building partnerships among ministries, schools, institutions of higher learning, public libraries and other information sources means we will have the financial and technical means to provide all students in Ontario with the opportunity to share in the benefits of an information society.

Section 10 of the act would be strengthened by replacing the word "may" with the word "shall" to encourage co-operation with other publicly funded libraries.

In addition to the aforementioned concerns, we are concerned about programs developed by public libraries which address literacy needs of the parents of school-aged children, some of whom are recent immigrants learning English as a second language. Adult literacy impacts children. In one board, the seeds for a new combined school-public library were sown by concerns of the public library staff and the social services department, as well as the board of education, over the literacy levels of segments of the community. These programs are contingent on grants from various sources. If the Ministry of Citizenship, Culture and Recreation phases out grants to public libraries, can the Ministry of Education and Training be expected to continue grants such as the Ontario community literacy allocation? Who will pick up the responsibility for funding these programs?

The Ontario School Library Association is concerned about the impact of the act on our school-age population. Changes to this act, like the changes being proposed to

the Education Act, will have long-term effects on the lifelong opportunities of our students. The Ministry of Education and Training is proposing that school libraries are not an integral part of the education system and therefore are subject to expenditure cuts. Now the Ministry of Citizenship, Culture and Recreation is proposing significant changes to the public library system just when public libraries are most needed. Ontarians want to know if libraries, both school and public, will survive these unprecedented attacks on their knowledge network.

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The following actions need to be considered:

Expand the purposes of the act to include how information needs will be addressed. Needs should be addressed in an appropriate and timely manner, responsible to community and individual needs, specifically founded on principles of equity of access and intellectual freedom and without barriers.

Put some limitations in the regulations which would allow provincial monitoring of fines, rules, standards and fees. Consider the impact on low-income households of uncontrolled fines, rules and fees for other than core services. Develop a provincial definition of "core service" and/or "collections" which reflects the realities of the types of resources available in our public libraries, specifically CD-ROM, audio and videocassettes, electronic references etc.

Establish some basal conditional provincial grants which encourage public library boards and municipal bodies to adhere to provincial standards of public library service. If provincial grants are phased out, leaving the municipalities to set library budgets with no specific criteria, public libraries could wither and die, thus removing the only source for students. Ontarians should expect a high level of library service. The success of a province-wide library network can only be as strong as the links on that network.

Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, in addressing the Ontario Library Association's 1997 superconference on February 7, stated, "There is no doubt that our library system is one of Ontario's greatest cultural and economic assets." She went on to state: "The province recognizes the great value of libraries to the economic health of the province through their role in creating a well-educated and literate workforce. Learning has been accepted as a life-long process, and it's clear that our libraries have a central role to play in this pursuit."

If it is clear that our libraries have this central role, this act has muddied the waters for public libraries. This is not a vision for the future. This legislation is not in the best interest of Ontarians.

The Chair: Thank you very much. We only have a minute and a half for questioning. In rotation, it's the government caucus.

Mr Skarica: I've been involved in the school board hearings and I've visited many schools in the province. One of the major problems with our school system that I've seen is the fact that spending is done not on need but on the resources of the community, and I've been in communities where the school libraries are virtually

empty. May I suggest to you that it would make a lot of sense to even out the funding for schools so that those schools that have virtually nothing in their libraries can fully stock them.

In my opinion, and you can give me your opinion, kids who are disadvantaged, who don't have access to a lot of material, are a lot better off having it right in the school than in any other place, where they'd be encouraged to use it and that type of thing.

Mr Deneau: I think there's a continuity problem here. Basically, I agree with you that meeting the needs in the school is where we want it, but at 4 o'clock in the afternoon when your son comes home and has a little project to do, he can't get to the school library to do that project. On a Saturday afternoon, when you need to access the Internet to find some information on mammals, he's not at school. We have to look at the total picture. This doesn't only apply to kids; it applies to adult and seniors as well.

The Chair: Thank you very much for coming forward to make your presentation today.

WHITCHURCH-STOUFFVILLE PUBLIC LIBRARY

The Chair: Would Mark Dewar please come forward. Good afternoon, Mr Dewar. Welcome to the committee.

Mr Mark Dewar: Good day, ladies and gentlemen of the committee. My name is Mark Dewar, and with me today is my CEO of the public library, Marilyn Ferguson.

I have come to speak to you today as both a Whitchurch-Stouffville public library board member and an eight-year resident of Whitchurch-Stouffville.

The changes that are presently being proposed through Bill 109 have made our board and the community aware of the crippling effects these changes could have on us as a small library. It is these effects that today I would like to address. These effects fall into two categories: core services and voluntarism.

It is sad that the new Bill 109 takes away the feeling of ownership from our community. By giving our municipal council, some of whom don't even possess library cards, full control over the library, we lose several things: a buffer zone between council and the general public, and the voluntarism that your government has so recently supported in a published paper.

We not only endorse but fully support the 10 first principles of voluntary action, as outlined in the Report of the Advisory Board on the Voluntary Sector, which also states: "Of great importance is the recognition that the local community is the basis for voluntary action and that a healthy and economically strong community includes a robust voluntary sector."

Voluntarism is the basis of library services in Ontario today. It is our opinion that this voluntarism should be nurtured and allowed to flourish. It is these volunteers who will be relied upon for further fund-raising to offset present and future funding cuts. If these volunteers don't have a feeling of ownership, on whom do we rely to assist our already over-taxed staff?

When it comes to a buffer zone between council and the general public, who is better for that job: a dedicated

volunteer, or a council who already sit through numerous meetings and committees every month and who would have yet another responsibility thrust upon them? Would it not be better to leave such sensitive issues as censorship to people who do not have electoral responsibility every three years?

This now leads me to the question of core services, as outlined in subsections 2(1), (2) and (3) and section 14 of Bill 109. As we approach the year 2000, the definition of library services is changing drastically. More and more computer and digital information is becoming widespread in our present-day idea of library services.

Most people now see libraries as the entrance to our information superhighway. Our thinking should be focused towards this point, not a Luddite-based, information supercul-de-sac. We should be focusing on a system that promotes information on an equal access basis without creating a two-tiered have and have-not system.

As the Toronto Globe and Mail stated in an article dated Saturday, March 1, 1997, "Amid such funding pressures, public libraries are evolving into something closer to a self-serve blockbuster outlet with computer terminals."

We believe that your focus on books as a primary core service is only part of the scope, which should be widened to include other formats. It is our responsibility as libraries to provide all educational, cultural and recreational materials to citizens of our community. It is further our belief that these services should be provided from the tax base and that no user fees should be applied.

It would not do our library system justice to change or implement new plans and/or legislation that would fundamentally change what we provide today. The library system has grown and flourished in the last 20 years almost as fast as technology has grown. The people involved in the system over that time frame have assisted, nurtured and protected that system to allow it to become what it is today.

I think now is the time to give the people of Ontario more voice and allow them to make the decisions that will affect them into the second millennium. We must plan now for the provision of library services for our children's children. By putting into effect positive legislation, many generations to come will be able to enjoy library services as we have come to know and enjoy them.

I would like to thank you for allowing me to speak on behalf of the Whitchurch-Stouffville public library board today. I'll be happy to entertain any questions that you may have.

1700

Mrs Munro: As people who come from my riding, I'm most impressed that you were able to come this distance and make your presentation today. Of course, I also have to make a special comment on your inclusion of the excerpts from the voluntary sector report, as the person who was responsible for heading that initiative.

There are a couple of questions you've raised that I think are really important. During the course of the hearings, we've seen and heard excellent examples of the kind of relationship between councils and library boards which sound to me like the ideal opportunity for com-

munity involvement and leadership from the council. My question is that you identified perhaps those members on council who might not own a library card. To me, that's the best argument for saying that therefore they're going to want the additional voice of those committed community members to take that kind of leadership role in the community, recognizing that it is in the best interests of the community. Certainly there are many examples of people who have come here today and yesterday who speak to that issue.

I'm just wondering if you see this as an opportunity for that kind of leadership within the community.

Mr Dewar: Our council presently has not committed one way or the other as to what sort of board they're going to be looking at in the future, once the legislation is enacted. It is my opinion that the system, as it stands now, not only supports but focuses on some of the volunteerism that we so desperately need within our system in Whitchurch-Stouffville.

When you hear about censorship, and Mr Young I believe spoke about it a little earlier, I can't emphasize enough that I think it should be left up to somebody who is dedicated solely to the library and to that collection instead of somebody — present company excepted of course — who has electoral responsibility. I don't think that sort of pressure should be put on somebody who has to speak to the people once every three years or five years, or whatever it might be, and get re-elected. Personally, at least in our system, I don't want to see that sort of pressure put on a council and it might in actuality be the wrong decision.

Mrs Munro: Obviously that whole issue has been debated for some time. The other question that I wanted to ask you is again related specifically to the issue that you raised, and that is the question of user fees and core service. My question is quite simply, in your view, is there a place for any fees?

Mr Dewar: In my opinion, yes. Recently we implemented what we call a non-resident fee for people from outside of the municipality using our facility. I can see that sort of user fee being implemented and being used because the funding's not in essence then actually coming from our local tax base.

When it comes to user fees of any other sort, when it comes to reference material, books, CDs, videos, audiocassettes, that sort of thing, our opinion, as far as I'm aware from my other board members but my opinion in particular, is that there's no place for them within the library because you don't want to create that two-tiered system.

Mrs Munro: But there's a lot of evidence that has been provided that allows for new technology and the way in which it could be used. I guess my question comes, for instance, from the idea of a child who comes in and asks the librarian where they find the material on turtles and then you'll have someone who might be using the library research facility who's doing this as a businessperson. Is there a difference here? Should we be making a difference in that kind of use?

Mr Dewar: Again in my opinion, no. You start looking at then having to create a system where you decide who is and who shouldn't be. People are already

in essence paying for that system and I don't think that a user fee, other than a non-resident fee, like I said, for example, is actually a good idea.

The Chair: Mr Gravelle, Mr Martin has allotted his time. I appreciate that, Mr Martin.

Mr Gravelle: Thanks, Mr Dewar and Ms Ferguson. Certainly the issue of the citizen involvement on boards is an important one. It's come up consistently and it's one that we'll all be struggling with on the committee, and it's much appreciated. I don't know if you were here for Mr Thomas's presentation from Chatham earlier in the day, but he'll tell you how it can work. Although he's saying that we shouldn't have them, he's managed to make it work.

The concern that I have, having listened to a lot of presentations, is that in some places it might work, in some places it wouldn't. I think that is what sets up the "patchwork," the term we've been using, which I think is going to hurt the library system across the province, and that's what we don't want to do.

Your using the volunteerism concept that the government has put out there as an example was very helpful too, because on the one hand they're sort of saying, "This is what we believe," and on the other hand they're actually making it more difficult to do it. I'm just wondering whether or not you find it at least somewhat strange that they would be on the one hand promoting volunteerism and on the other hand setting up a situation where they're going to really be taking it away.

Mr Dewar: As I said in my speech, and I'll stand by it for quite a while, volunteerism, at least in our system — I'm not going to speak towards any other system, but within our library itself — is a core function. It's been there for years. It has allowed us to fund-raise a lot to offset some of our funding cuts. I again can't speak enough to the fact that that ownership or that volunteerism from the community is a necessary part of our community.

Coming back to the patchwork that you spoke of, I'd have to agree with you. I don't think it's going to be the same in every community. I'm not ready yet to decide what it's going to be like in our community, or at least to comment on it.

Mr Gravelle: Even your own community you're not sure of yet. That's what's fascinating.

Mr Dewar: Yes. But by the same token, I'd like to see the system remain the way it is now. It's functioned well.

Mr Gravelle: It works.

Mr Dewar: It has accountability and it functions fairly reasonably within the system that it's set up in. To change it to one that is council-based takes away some of that accountability, in my opinion, and focuses it more on, like I said earlier, that electoral responsibility.

Mr Gravelle: You've obviously read the legislation pretty carefully. I think it's fairly clear that it comes down to the fact that the province is removing provincial funding and feeling they have to obviously therefore, because of the pressure it's putting on municipalities, put them in a position where they can do this.

I guess what offends me to some degree is that they're trying to find this middle ground that truly I don't believe is middle ground. I think in a lot of cases it's just going

to be perhaps complicating it for councils, but setting it up so they don't have to have library boards, so they're not really library boards. Quite frankly — somebody earlier said it as well — have it one way or the other, at least be honest about it, instead of this situation which is clearly a setup for something else to happen. I would encourage the government to do that.

The Chair: Thank you both for coming in and making a presentation to the committee today.

TOWN OF HUNTSVILLE

The Chair: Would Mike Garvey please come forward. Good afternoon, Mr Garvey. Welcome to the committee.

Mr Michael Garvey: Good afternoon, Mr Chairman, committee members and other attendees. You should have before you a package that I've put together, and if you turn to tab 2 of that package, you'll find the submissions that I'm about to make to you in written form. The other documents within the package I'll be referring to. They are primarily background documents and, as well, some suggested amendments to the legislation.

I'm here before you on behalf of the corporation of the town of Huntsville. There is a lengthy history of library service within the town of Huntsville, as library services were first established over a century ago, in 1880, one year prior to the incorporation of the village of Huntsville.

With regard to the existing Huntsville Public Library board, it was established 25 years ago, in 1971, through the passage of a town bylaw. It is significant to note, and I'll elaborate on this shortly, that the statutory authority for the 1971 bylaw was not the Public Libraries Act as it existed then, but rather the District Municipality of Muskoka Act of 1970, which was followed by an order in council. Notwithstanding the means through which the library board was created, it was made subject to the provisions of the Public Libraries Act as it existed at that time.

Just by way of further background, Huntsville is the most populous of the six area municipalities which make up the district of Muskoka. It has a full-time population of approximately 18,000, which is approximately 35% of the entire district's population. However, as I'm sure most of you know, Huntsville is situated in one of the most popular vacation and holiday destinations within the province. Having a considerable amount of seasonal, residential and resort development, the summertime population of Huntsville does swell and is considerably higher than the permanent population and, not surprisingly, increases the demands that are placed upon the library services that are provided.

In this regard, I would note that with a permanent population of 18,000, there are approximately 11,000 library memberships with the Huntsville Public Library board. Finally, in 1995 there were certain improvements made to the library in Huntsville to accommodate the increased demands that have occurred over the years. Those improvements included an enlargement of the facility itself.

It is because of the way in which the current Huntsville Public Library board was created that I am before

you making these submissions on behalf of the town. For reasons which I will explain, I would submit that there are certain minor amendments, and I would suggest that they are technical amendments, which we would ask that the committee give consideration to address not only Huntsville's circumstances but possibly circumstances of other library boards within the province. The reason for these suggested minor amendments would be to ensure that the Huntsville library board would legally continue to exist.

As a general statement, I would note that the town of Huntsville is supportive of the general thrust of the proposed amendments contained in Bill 109 and believes that having the provision of library services and related activities controlled and managed at the local level is the most appropriate approach for addressing local needs and requirements.

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Turning to the legislative side of matters, provincial legislation with respect to the establishment of public libraries and public library boards has evolved over the years. For the purposes of this submission I think I need only note that at the time the Huntsville Public Library board as it is today was established, that being, as I mentioned, in 1971, the general legislation which was relevant to public libraries and public library boards was the Public Libraries Act of 1966.

That act contained several parts. Part I related to the empowering of municipalities, including towns, to pass bylaws establishing a public library and requiring that those libraries be managed and regulated by public library boards. Part II of that 1966 legislation pertained to provincial library services. Although since 1966 there have been changes to the legislation, the current legislation maintains that same structure, having a part I that relates to public libraries and library boards created by municipalities and part II pertaining to the provincial library service and Ontario library service areas.

Stepping back to the Huntsville scenario, as I indicated, the existing library board was created 25 years ago by virtue of a bylaw passed by town council, and that bylaw was passed pursuant to the District Municipality of Muskoka Act, 1970, and a related order in council.

If I could draw your attention to tab 3, I have included there an excerpt from the 1970 district municipality of Muskoka legislation. Section 150 of that legislation provided the Lieutenant Governor in Council, upon receiving recommendations from the minister — that would be the Minister of Municipal Affairs — to "authorize all such acts or things not specifically provided for in the act that are deemed necessary or advisable to carry out effectively the intent and purposes of the act."

If you turn to tab 4, you will see there is a copy of an order in council approved by the Lieutenant Governor in September 1970. As you'll note in the preamble to that order in council, it makes specific reference to section 150 of the District Municipality of Muskoka Act, 1970. This order in council allowed for an area municipality — the town of Huntsville is, as I mentioned, one of the six area municipalities within the district — to establish a public library board, and that the bylaw establishing such

a board would need the approval of the minister. Subsections (2) and (3) of that order in council make reference to the Public Libraries Act legislation as it existed at that time and required that the library board created pursuant to this order in council would be composed of the number of members provided for in the general legislation and, furthermore, that the provisions of the general legislation would apply to any library board created pursuant to this order in council.

I would then draw your attention to tab 5. At that tab you will find a copy of a 1971 bylaw passed by the town of Huntsville. This is the bylaw that creates the library board in Huntsville as we know it today. So this is the originating documentation with respect to what is currently in place.

While the Huntsville Public Library board was created pursuant to a municipal bylaw, it is certainly arguable, and I think it's probably fair to say, it was not created pursuant to part I of the Public Libraries Act. This is significant given the current language of Bill 109, specifically subsections 3(1) and 3(2), as those are the two subsections that deal with the continuation of existing public library boards.

The language in each of those subsections is quite specific and refers to public libraries and public library boards created "under this part." As I say, I think there may be some question as to whether Huntsville's board was created under part I of the Public Libraries Act. I think it's fairly clear it was created pursuant to the district of Muskoka act and the following order in council. As a consequence of this, the town of Huntsville has some concern with respect to the proposed legislation vis-à-vis the Huntsville Public Library board, although, as I mentioned earlier, I think it's fair to characterize this concern as being of a somewhat technical nature and I believe it's something capable of being addressed.

The concern specifically is, would the proposed subsections 3(1) and 3(2) of the act actually have the effect of continuing the Huntsville Public Library and, related to that, the library board?

As I have indicated, there is a long history of library service within Huntsville and the existing Huntsville Public Library board has been in existence for at least a quarter of a century. I believe the intent of the legislation is to maintain the continuance of library boards not just created under part I of the act but also library boards such as the Huntsville board which find their origins in different legislation.

As a result of that, I would like to ask the committee to consider the insertion of some additional language in the legislation. I've included that at tab 6. I have taken subsections 3(1) and 3(2) of Bill 109, and you'll see in underlining words that have been added to it which I would submit would, I think as best we can, address the concern that Huntsville has with respect to wanting to ensure the continuance of its library board.

I should mention that there may very well be other library boards that are in the same situation, and not only within the district of Muskoka. I did take a moment to check the regional municipality of York legislation, which was created about the same time, 1970, as the district of Muskoka legislation. The section 150 that I've taken from the district of Muskoka legislation, the same language, is found within the region of York act. For that reason, there may have been a similar process followed in other situations, and language such as is being proposed here may assist in addressing the technical issue that may be in place.

Those are my submissions to the committee, and I thank you for allowing me to attend before you.

The Chair: Thank you very much. Effectively, again we only have time for one caucus to ask questions, and in that rotation it's Mr Gravelle.

Mr Gravelle: If I may, I would like to use this as an opportunity to ask a technical question of the parliamentary assistant, but perhaps the staff can help us with this one. I'm glad to see you nodding because this truly is a technical matter, Mr Garvey.

Mr Shea: I was prepared to indicate that we would indeed be reviewing this, and if there is a place where the minister can give consideration and relief, it will be explored very quickly. I'm going to give that undertaking.

Mr Garvey: Thank you.

Mr Shea: That may just resolve this matter very quickly for us, and we certainly appreciate your appearing before us.

The Chair: When you go back home, you can tell them what you accomplished. It was a worthwhile trip.

Mr Garvey: Okay. I want to see it in writing, though.

The Chair: Thank you very much for coming and making your submission today.

Committee members, that's the last presenter of the day. We will now recess until 9 o'clock tomorrow morning in Ottawa. Thank you, everyone, and thank you, London.

The committee adjourned at 1719.

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Standing committee on general government

Local Control of
Public Libraries Act, 1997

Comité permanent des affaires gouvernementales

Loi de 1997 sur le contrôle local
des bibliothèques publiques

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Wednesday 9 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Mercredi 9 avril 1997

The committee met at 0906 in the Delta Ottawa Hotel, Ottawa.

LOCAL CONTROL OF
PUBLIC LIBRARIES ACT, 1997
LOI DE 1997 SUR LE CONTRÔLE LOCAL
DES BIBLIOTHÈQUES PUBLIQUES

Consideration of Bill 109, An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level / Projet de loi 109, Loi modifiant la Loi sur les bibliothèques publiques de façon à situer à l'échelon local les pouvoirs, la responsabilité et l'obligation de rendre compte concernant la fourniture et la gestion efficace des services locaux de bibliothèque.

The Chair (Mr Bart Maves): Good morning, ladies and gentlemen. Welcome to balmy Ottawa in the middle of April. Mr Chiarelli, you could have ordered some better weather for us, but it's nice and sunny anyway.

Mr Robert Chiarelli (Ottawa West): Actually, it was forced on us by the northerners.

The Chair: Oh, was it? Okay. We'll try to drag in something warmer when we go to Thunder Bay.

STORMONT, DUNDAS AND GLENGARRY
COUNTY LIBRARY

The Chair: Our first presenter this morning is Frances Marin from Stormont, Dundas and Glengarry County Library board. Good morning and welcome to the committee. You have 20 minutes this morning for a presentation. If there is some time left at the end of your presentation, I'll divide it up among the three caucuses for questions.

Ms Frances Marin: Good morning, ladies and gentlemen, and welcome to Ottawa. My name is Frances Marin and I'm chair of the Stormont, Dundas and Glengarry County Library board, which is the most easterly library in our province and also one of the largest county libraries in area. We offer service in both English and French. Our nearest urban centre is Cornwall, a city not known for its prosperity nor for its resources. To the south we're bounded by the St Lawrence River, and the united counties stretch northward halfway to Ottawa.

Our major industry is agriculture — Winchester is the home of Ault Foods — and agriculture plays a vital part in our economy. Our town and villages perform a vital function as places of retirement for both country and city folk alike, but with the economy the way it is many of our residents now have to commute to jobs in Montreal,

Ottawa and Brockville. An interesting group of our residents have chosen to live in the united counties, both seeking peace and quiet and in search of good services. This is what attracts people to our area.

I'd just like to tell you briefly about the people who live in Dalkeith. Not too long ago, it was rumoured that a popular librarian was going to be retiring. I had no fewer than 40 letters protesting the impending fact. We held the next board meeting on the other side of the county and it was snowing heavily, but more than 50 people took the trouble to come and talk to us about their concern so obviously our libraries are more important to people than merely as collections of books and print material.

Stormont, Dundas and Glengarry have 21 branches like these. When I first arrived there 25 years ago, there was not one bookstore in our 1,200 square miles, and the county library system was in its infancy. We had maybe seven municipal libraries in varying stages of vitality, where they were in fact open. In eight years, we opened 13 branches and we brought the luxury of reading material to settlements that had never before had books or films freely available.

Our county system operates on a system of the pooling of resources and the sharing of books and materials and of professional expertise, and in a way, this is the way the provincial service operates also. It's a very similar setup. The province offers training, consulting and planning services as they are needed, and this is cost-effective and an extremely efficient way of delivering library services. By doing group purchasing of electronic and traditional resources, there are great savings here to the taxpayers. This is the way the service operates and the way it should operate.

The provincial interest in public libraries makes sense. It makes financial sense and it is common sense. Not only does the province provide professional services to the libraries which couldn't possibly afford them on their own — for instance, to get back to our librarian in Dalkeith, she's only too glad to share her professional concerns with somebody who has more training than she does and welcomes the opportunity to upgrade her skills when it's possible — but the backbone of the provincial library system is interlibrary loan, the system by which libraries lend books and other information to each other across municipal boundaries.

What makes this system work? Money — provincial money. How is the interlibrary loan system going to operate without a financial incentive? What are you going to say to the board of a large metropolitan library which loans out more books than it borrows from other libraries when it starts to charge libraries such as ours for the

privilege of using their materials? What can you say to them if you can't offer a financial carrot? This already happens from time to time where we receive a bill for books, and it's only the threat that these libraries will lose their provincial grant that stops them from charging. They have to be reminded of this fact from time to time, even now.

Don't forget that interlibrary loaning can only be used if there is a library in your community. Until the current government cutbacks, the Stormont, Dundas and Glengarry County Library received between 25% and 30% of its budget from the province. This money went a long way towards offsetting the costs inherent in running a county library, and this is what the provincial money is there to do. This is what it should be doing. Isn't this the way government works, the way we pool financial, medical, educational resources?

Our public libraries are a vital element in Ontario society. They take over where the formal education system ends. Libraries are social and support centres. They are very often the first interaction that an immigrant has with government when literacy classes are offered in a library. They're a source of information about government services, about the community, about job searching, about updating résumés. They're a source of recreational reading. They are the place where you go for self-education. Where else can you get free education?

More and more, libraries are being called on to provide services in schools. Two of our branches already operate out of public and separate schools, and we're constantly under pressure to provide more service to our schools.

Libraries have always operated on a shoestring and with large amounts of unpaid goodwill and cooperation. Stormont, Dundas and Glengarry County Library is coping with provincial funding cuts and it will survive if provincial funding does disappear, but I cannot say that its service will improve.

I was talking recently to a local councillor. She exclaimed: "Why on earth would the province hand the libraries over to the municipalities? Most municipal councillors got where they are today without the use of libraries." Another councillor could not understand why we need libraries. "Everything is available on computer, isn't it?" he said.

I don't want to imply that this is a common view among politicians — my own council is supportive — but this view is not as rare as one might hope. What about the library that is currently funded 100% by the province, whose council decides it doesn't need a library if it has to pay for it out of its own pocket?

Marilyn Mushinski is still prepared to fund networks between our libraries, but if our libraries are so starved of funds, as may very well happen under Bill 109, that they have no credibility with the public as up-to-date information centres, what is the use of fancy electronic networks? It is precisely those people in the rural areas who have lost so much in recent years in the way of services who need their libraries most. There is only one bookstore now between Cornwall and Ottawa, but I doubt that there will ever be any more.

With Bill 109 handing over library funding entirely to the municipalities, Ontario libraries will come to reflect

the characteristics of the municipalities in which they're situated. They will embody the inequities in the different regions of the province. Once again, the Golden Horseshoe around the western shore of Lake Ontario will prosper and we in the outback, as we call ourselves, will just have to make do. Are we really to be second-class citizens? I think we're just as deserving as the people in western Ontario. Which kind of community is going to attract greater investment?

By removing the provincial government's responsibility to address regional inequities, Bill 109, as it stands now, will fragment existing library service into a patchwork of municipal libraries, each one busily doing its own thing and to heck with what's going on next door. It simply flies in the face of everything that libraries have done over the last 150 years. They've built up a network of cooperation based on sharing and cost-effectiveness.

To put it bluntly, the withdrawal of provincial funding under Bill 109 will ruin our library service. The legislation under consideration appears to have been drafted by politicians for the benefit of the municipalities, not the library service. Would you employ an accountant to redecorate your house?

Let me suggest to you a more creative source of action. Rather than assisting at the wake of Ontario's libraries, why don't you turn it around completely and fund public libraries 100% by the province? I mean it's logical, isn't it? If the province is taking over education and the libraries are an extension of the education system informally, you would be able to maintain standards, you'd have equality of access across the province and the province would be able to mandate free access to all. It does bear thinking about, you know.

The question of free access to information leads me to a major weakness with the regulation to the Municipal Act, its definition of information as merely books and printed material. The minister has heard that libraries want to avoid charging for core services. I think someone's done an end run around the libraries by defining core services so narrowly that it makes a nonsense of it. This does not bode well for the future. Here we are in the 1990s. We're entering the information age and you want to define information as books? Magazines and government documents may soon only be available electronically. Indeed, many are only available electronically already.

Let's just get back to our librarian in Dalkeith for a minute. Johnny and his father go into the library to do some research for a paper. She knows the family. They are not well off. Does she show them the books that are available free or does she give them the more up-to-date and the better information which she knows they cannot pay for and then have to explain the municipality's policy of charging them for this material? If Johnny weren't there with his father, she might put her hand in her pocket and pay for it herself. Once again, it'll be the wealthier municipalities and the taxpayers who will be able to buy our library services and the people who can't afford them will just have to do without.

If Ontario's public libraries are not going to offer free Internet access as a core service to those who are already without a computer, the province will be actively contrib-

uting to the creation of an information rich and an information poor. Can we afford this? It's already happening in the schools. It's easy to tell which students have computers at home and which ones don't. Here's an ideal opportunity for the province to help make up that gap.

Defining books and printed materials as a core service in the late 1990s is restrictive and backward-looking, and it only pays lip service to the idea of free access to all. I urge you, ladies and gentlemen, to broaden the concept of core service to include all library materials, regardless of format, which do not in themselves have any value added by personnel. The regulation as it now stands amounts to charging people for what they've already paid for out of their taxes.

0920

The final problem I have with Bill 109 is in its dropping of the requirement for citizen participation on public library boards. Time and again it has been shown that volunteer board members contribute more than their weight around the table. They serve because they love books, because they want them to be freely available to other taxpayers, because they're interested in libraries — they contribute valuable expertise which comes at no cost to the library board — and because they have the energy to fund-raise and to publicize the library. Why waste this valuable resource?

Citizen membership on a public library board is democratic and it offers terrific value for the taxpayer. Politicians surely have enough to do without choosing books for their fellow citizens. Do we really want politicians to choose our books? Once again, citizen membership on public library boards is cost-effective and it makes sense. Bill 109 needs to mandate citizen participation on library boards rather than merely allowing it.

I talked to Marilyn Mushinski when she was in Cornwall recently for the opening of the new library there and she made it abundantly clear that Bill 109 was far from its final stages. She actively encouraged public suggestions, so I've come here as chair of the Stormont, Dundas and Glengarry County Library Board to urge you to consider fully the implications of Bill 109 and the regulation to the Municipal Act as it now stands.

I only hope I have shown you how our provincial library service will be damaged irrevocably by this legislation in its present form. Please recommend that direct provincial funding be maintained. Citizen membership on public library boards is too valuable a resource to squander. A redefinition of the core services in libraries is absolutely essential if you're not going to gut the public library service.

You have the responsibility for shaping one of Ontario's greatest natural resources, its information base. We're entering the information era. Will you please safeguard what has been built up and build on it? Don't weaken it. I'll let one of our library borrowers from Dalkeith have the last word. "A few years ago, Dalkeith was a lively village with a dozen small business establishments. Today, the library is the only informal meeting place we have left and it is warm and friendly because the librarian is warm and friendly."

The feelings of isolation and alienation which afflict so many people these days can be especially severe in rural

areas. It may be hard for someone from a large centre to understand how important a library and its librarian are in this community. For many residents these are a life-line. Ladies and gentlemen, please do not take away these people's lifelines. Thank you.

Mr Robert Chiarelli: I was interested in your relating libraries to the educational system and the fact that the province should be funding 100% of it. You also related some of the problems young people might have, such as between those who have access to computers and those who don't.

Do you not think that in terms of library policy, the province should be addressing the realities of the 21st century and that part of the library mandate should be having a number of computers available, having that wealth of resource available to the general public who might not be able to afford computers so they could come in and access the Internet, access electronically this explosion of information that we have? Should the province not be defining a new mandate for libraries, providing the funding for it, relating it to the educational system as you have suggested?

Ms Marin: Yes, indeed, I do. It is the function of the library, as an information centre, to offer all types of information and particularly the new technologies that are emerging.

Mr Robert Chiarelli: Do you think this bill is a step backwards in terms of where we're going with libraries?

Ms Marin: Indeed I do.

Mr Michael Gravelle (Port Arthur): Ms Marin, your brief is truly a reflection of what we've been hearing from almost all the boards. We've been travelling across the province, in Toronto, London, and we're on to Thunder Bay. I think it's really important that you define what will happen in terms of the patchwork and what it will mean for the library system if there are not some substantial changes to this. It was a terrific brief in terms of hitting all those areas where I think we want to have the government members — they have been listening to the submissions and I hope they'll be open to some amendments based on the concerns you've expressed extremely well. So thank you very much.

The Chair: Thank you very much for coming forward and making your presentation to the committee today.

OTTAWA PUBLIC LIBRARY BIBLIOTHÈQUE PUBLIQUE D'OTTAWA

The Chair: Would David Daubney please come forward. Good morning and welcome to the committee. At the beginning of your presentation I'd appreciate if you'd introduce yourselves for the benefit of committee members.

Mr David Daubney: Good morning, honourable members. I'm joined this morning by our vice-chair, Alayne McGregor, and our chief librarian, Barb Clubb. We appreciate the opportunity of meeting you and making a presentation on behalf of the Ottawa Public Library board.

Le conseil d'administration de la Bibliothèque publique d'Ottawa félicite le gouvernement d'avoir mené un processus de consultation qui a abouti aux changements

proposés à la loi concernant les bibliothèques publiques de l'Ontario. Nous sommes heureux d'avoir l'occasion de présenter nos opinions et recommandations sur le projet de loi 109. Le conseil reconnaît que le nouveau cadre d'action fournira aux bibliothèques une flexibilité très souhaitable dans certains domaines.

However, we have concerns in a number of areas, including governance, financial support, the role of the province, fees for service and confidentiality of user records.

We certainly concur with Minister Mushinski, who stated in her letter earlier this year announcing this legislation: "Our libraries play an indispensable role in the education of people of all ages and abilities, and they make a significant contribution to the well-educated workforce, which is one of Ontario's greatest strengths."

Bref, les bibliothèques publiques sont importantes pour notre santé mentale et la sociabilité de nos communautés. La Bibliothèque publique d'Ottawa est l'une des plus importants établissements de services d'Ottawa. Sa principale clientèle est constituée des citoyens et citoyennes d'Ottawa, mais en sa qualité de plus grande bibliothèque publique bilingue du Canada, la bibliothèque constitue aussi une ressource clé en matière d'information pour la région de la capitale nationale en plus de desservir les Franco-Ontariens de partout dans la province.

Our library is governed by a board of citizens who give of their time, expertise and energy voluntarily. We're supported by a staff of 247, by almost an equal number of Friends of the Ottawa Public Library Association, almost 200 library volunteers, and 245 library advocates also help us to provide a local service that has recently been rated by the citizens of Ottawa as second only to fire protection as the most valued.

Our library has close to 200,000 registered users. Our multiformat collection, 20% of which is in the French-language materials, contains more a million items. Last year users borrowed 3.8 million items, which is over 11 items per capita. They asked more than 775,000 reference and directional questions. Users visited our library branches more than 1.8 million times and made more than 4.7 million searches on the computerized catalogue.

One of our major goals is to link our citizens to the information highway to be the public electronic doorway, to information, so we have National Capital Freenet terminals in every branch, we have public workstations to access to the World Wide Web in two of our branches now and we hope we will have more coverage this year and in the future. Our online public access catalogue is accessible at the library or via remote dial-up from anywhere in the world.

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I'd like to acknowledge some of the benefits of Bill 109. First of all, we are certainly impressed that the new legislation contains a clear statement of purpose, something that is lacking in the current legislation. We're heartened by the emphasis on our citizens' information needs in an information-based society. Certainly our own goals resonate with the importance the bill places on access to local and global information through a province-wide network.

Le conseil applaudit l'objet de la loi voulant que soient maintenus les conseils d'administration des bibliothèques, et nous apprécions le contrôle local accru en ce qui concerne la nomination des membres des ces conseils. Nous sommes d'accord avec le fait de mettre l'accent sur la création et le financement de l'infrastructure d'un réseau provincial fort.

Let me now turn to some of our concerns. The first relates to library governance. We think the board model has worked well for Ontario's public libraries for many years. Under the current legislation, councils, in our view, already have sufficient control and authority over board appointments and the budget.

The appointment of unpaid volunteer citizens, people of accomplishment in their communities, has been an important factor in the success of Ontario's public libraries. Their contributions help to reduce the cost of local government and provide an opportunity for citizen participation in civic life. Our board believes that majority citizen representation on public library boards, as provided for in the current legislation, is essential in representing the interests and needs of the communities they serve.

A strong citizen-based board is a community advocate for library services. A board composed solely of members of municipal councils or civic employees would be a board in name only and a board of one would be no board at all. Even in Alberta, which as you know has undergone severe restructuring of many public services in the last number of years, the government has seen fit to maintain the board model of governance for public libraries in its latest revisions to its legislation.

The committee may wish to consider and be guided by the Ontario Corporations Act, which provides for a minimum of three members on a board of directors. I think we would agree with the brief of the Ontario Library Trustees' Association that a minimum of five members constitutes a board. Your committee may also wish to have a look at the Police Services Amendment Act, 1997, the model contained there at least to the extent that it provides for flexibility according to the size and requirements of individual municipalities.

We urge amendments that would ensure majority citizen participation on a library board while still allowing flexibility in the appointment process. We think it's particularly important that a board maintain authority and control over the budget and the hiring of the chief executive officer as is provided for now.

Our second issue relates to financial support. The bill would delete section 30 of the Public Libraries Act, which provides for grants to boards. The loss of the provincial grant in our library's case is more than \$1 million, and for the 11 public library systems in this regional municipality more than \$2 million.

This is having and will continue to have a significant impact on the level and quality of service to our citizens. For example, for two years in a row we have had to reduce hours of service. Our materials budget buys less and less. Our users are demanding more and more services, particularly to support their participation in an information economy. It's getting harder for us to meet those needs.

We're certainly, as a board, committed to providing our users, especially our children, students and job seekers not only with print materials but with electronic access to information beyond the walls of our buildings. Provincial, operational and project funding has been a very important part of our ability to do this. It's been an essential part of our funding mix, especially since operating in a bilingual environment, as we do in Ottawa, we have costs for staffing and collections that exceed those of unilingual libraries.

I think we would all agree that the local level is best placed to manage and operate libraries. Our board realizes that the concept of disentanglement is attractive to those who would like to simplify public services, but the Who Does What panel stated that the province has a fundamental interest in literacy and equal access to information for all Ontarians, so in this case an element of entanglement, if you will, in the form of provincial funding and leadership is desirable. It is also, I would suggest, a very economical way to deliver on commitments to literacy and equal access to informations.

We're all working to restructure and reinvent our institutions in a world of declining resources, but for the public libraries of this province the loss of the provincial grant will translate into decreased access, fewer branch libraries, less reliance on trained staff and fewer resources, both print and electronic. This is weakening an efficient and low-cost public knowledge, education and information infrastructure at a time when the health and growth of the Ontario economy are increasingly dependent on use of and access to information.

We strongly recommend that the grant program be maintained.

Notwithstanding what I've just said, if public libraries lose the per household grant, a portion of the municipal property tax fund freed by the provincial assumption of education must be guaranteed to public libraries. If not, it will be impossible to say, as the minister did in announcing this legislation, that this new framework will "improve the delivery" of public library service in Ontario.

Our third area of concern relates to the second, and that is the role of the provincial government. Consistent quality and minimum standards across Ontario cannot be achieved without a strong provincial presence in both the funding and development of public library services. Unlike a number of other jurisdictions in Canada, Ontario has no provincial library. Our provincial library is in fact the distributed network of more than 1,200 local libraries across the province. Provincial funding and support are essential for the effective functioning of this network, especially but certainly not exclusively, as it relates to the smaller and more geographically isolated and first nations libraries. Our provincial agencies, the Ontario library service, the work of the Ministry of Citizenship, Culture and Recreation are important elements of that provincial role.

We support the proposal to focus provincial funds on library networking initiatives, but our whole system, especially major centres like Ontario, must be strong, and the system will only be as strong as its major nodes.

Par exemple, la collection et le catalogue électronique du matériel en langue française de la Bibliothèque publique d'Ottawa dessert d'autres bibliothèques très éloignées de nos frontières.

Our ability to provide that service to Franco-Ontarians will be impacted by these cuts to the provincial grant.

It's not just a question of our telecommunications and electronic networking capacities; there are broader concepts of service, intellectual freedom and open access that require the committed involvement of the senior level of government.

In planning to end the provincial grant to boards, the province is ending not only an important vehicle for the funding of collections to be shared, but also a mechanism to enforce province-wide sharing protocols.

Our board strongly recommends the continued support for a vigorous program of sustained funding for individual public libraries for the Ontario library service and for a ministry unit that can act and speak effectively for provincial library interests in the province in their relations with the federal government and internationally.

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Our fourth concern relates to fees. The issue of user fees has been long debated in the library community. We're still having the debate on our own board about it, and I should tell you that early this year we agreed to institute a renewal fee for books. That was only after considerable discussion. The fee is relatively modest, 25 cents, and it's avoidable, but it's an indication of the kind of steps that we've had to take to respond to the cuts that we've already faced.

We are committed, though, as a board to universal open access to information for all our clients and to the concept of free, tax-supported public library service.

We understand Ontario regulation 26/97 under the Municipal Act will permit the imposition of charges for library collections by format. I understand that the historical experience of fees for specific media format is not encouraging and is unlikely to ever solve the severe funding pressures that libraries face.

En outre, même si la loi proposée reconnaît que les bibliothèques publiques doivent soutenir les Ontariens dans une société axée sur la connaissance, il devient clairement évident que la base de connaissance devient de plus en plus électronique.

Why leave open to charges the very things that people increasingly want or need the most? By limiting free borrowing only to print materials, the government is encouraging the creation of a two-tiered library service, contradicting the three purposes which introduce this legislation. At the same time as Bill 109 permits changing by format or media, it precludes imposition of any general membership fee.

The Ottawa Public Library board would recommend against any changes to regulations that would allow user fees based on type of material.

Our final issue relates to the confidentiality of user records. The repeal of section 28 of the 1984 act dealing with the inspection of records is a matter of concern to the library community, which is responsible for the protection of its users. We're advised that our colleagues

at the London Public Library have secured a legal opinion to the effect that subsection 28(1)(b) of the existing legislation, protecting individual library records from disclosure, is not covered in other provincial freedom of information legislation. This protection was a long-fought-for and hard-won provision of the 1984 act. The confidentiality of library borrowing records is an important ethical issue to users, staff and board members, and it would be unfortunate to lose this protection in the general haste to eliminate part I of the current legislation.

We would recommend that section 28 of the Public Libraries Act, relating to the inspection of records and confidentiality of users records, be retained.

Monsieur le Président, honorables députés, nous vous remercions de l'occasion qui nous a été donnée de présenter nos points de vue à ce comité. Notre conseil d'administration croit profondément que les services de bibliothèque forment un composant clé d'une communauté saine dans un monde de plus en plus digital.

Our libraries are an important part of modern, contemporary, increasingly digital communities around the world, and we believe that the government of Ontario continues to have an important partnership role in helping us to provide service to our citizens. It's a role it has provided for over a century in this province and is one that we think is necessary.

Certainly we're committed as a board, and the staff of the Ottawa Public Library, to designing future services to meet the needs of our citizens within the context of these tremendous forces of change that we all face. We're in the process of reviewing levels of service, examining our practices and programs, and building new alliances for service.

We're diversifying our funding base, for example. Last year we had our first major fundraising campaign to provide materials for our new branch, the St Laurent branch, last year. It was a successful first start, where we raised close to \$100,000. We hope to continue that, but we know that there are limits to what we can do in the fund-raising area, given the competition from other institutions and charities in our community. But we're not afraid of change and we're finding the courage to make the hard choices on behalf of the citizens of Ottawa.

Thank you for listening to us and taking the time to consider our recommendations. I ask you, as committee members and legislators, to give us the tools to provide our citizens with effective public library service well into the next century.

The Chair: Thank you very much. Unfortunately, you've only left about a minute for questions, so I'm going to allot that time to Mr Martin.

Mr Tony Martin (Sault Ste Marie): Thank you very much for your presentation this morning. It's certainly consistent with the issues that have been raised for the last two, now going on three, days, concerns that people who have a genuine interest in libraries and who are involved intimately in the running of libraries have raised with us across a large swath of the province.

If the government was seriously interested in the betterment of the library system, it would adopt these amendments. We will be putting them. We hope you will

participate with us in the development of them and putting them as well, but we know that's not what this is about. This is about money. This is intricately connected with the agenda of this government to download on to municipalities the cost of delivery of services.

We know Ottawa is going to be hit as hard as, if not harder than, any community across the province, and we know that because of that it will find it difficult to partner with the group that came before you, who also gave an excellent presentation, the group from Stormont, Dundas and Glengarry. You made reference in your presentation to the need for nodes, strong nodes to support the weaker, smaller, less resource-rich systems that are out there.

What I would like to know is: What is the situation in Ottawa re the impact that it will have to absorb re the downloading? Are you aware? What is the potential for it in any way, if it takes over, as it will, 100% funding of libraries, to actually enrich and enhance the library system that you talk of so proudly today?

Mr Daubney: Well —

Mr Derwyn Shea (High Park-Swansea): That was too many questions.

The Chair: Just let the gentleman answer the question.

Mr Terence H. Young (Halton Centre): Mr Chair, on a point of order: I appreciate what you do. You sometimes give the person or the presenter a little time to wrap up. You say, "Can you wrap up, please?" Yet there were a couple of times yesterday where you cut me off in midsentence. I would just like you to be consistent so we know what's going to happen next.

The Chair: Sure.

If you'd like to answer the question, we'd appreciate it.

Mr Daubney: Well, the impact of a \$1-million hit on us is significant. Our total budget is less than \$14 million. We've had to respond to date through reducing hours at our library branches, instituting the renewal fee I referred to and a number of other cutbacks in service.

Frankly, our greater concern is that the city of Ottawa is a growing community, particularly in the southern end of the city, and we're underserved. We have fewer libraries per capita than most public library systems in Canada. We recognize that we're underserved in the south end of the city, and in the far west of the city, where Mr Chiarelli and I live, we won't be able to respond, if these cuts are maintained, to the need to provide adequate service in those parts of the city. Those will be the major impacts.

In terms of the region and the whole province and our ability to provide support to the smaller libraries, particularly those in eastern Ontario, there is bound to be some impact there as well. The notion of networking is very important but I hope I made it clear that we think the province's role goes beyond that to providing some leadership in these complex issues and important information highway issues that will be so central to the continued growth of this province and country.

The Chair: Thank you very much, all three of you, for coming forward to make your presentation to the committee today.

0950

BROCKVILLE PUBLIC LIBRARY

The Chair: Margaret Williams, please come forward. Good morning. Welcome to the committee.

Miss Margaret Williams: My eyesight is not as good as I would like it to be. I'm just trying to see people's names here. Anyway, good morning. I've written letters to some of you people so it's nice to see the faces that go with the names.

I'd like to thank you for this opportunity to address this group. I'm speaking on behalf of the Brockville Public Library board. The issues that concern us are the same that you've heard from the people who have already spoken to you this morning. I had a chance to read the AMPLO brief that was faxed to me yesterday, and it's excellent.

What I would like to do this morning is to try to give you some idea of the impact this legislation is going to have on Brockville. I wanted to start off on a personal note, that I've worked in Ontario public libraries for 37 years. I started when I was quite young, and I was part of the growth of the Nepean Public Library. I was the first page they ever had.

In the 1950s there was no resource sharing whatsoever. We would do our best to help our patrons from our own resources, but that's as far as we could go. Then gradually the province built a system of library resource sharing that also involved access to professional consultants. The province has played a major role in developing the excellent library system we have today. Interlibrary loan used to be something that was done by mail on three-part forms, and it's now moved to a CD-ROM-based system with AVISO as the communications software.

By withdrawing provincial funding, the province removes the incentive for libraries to continue participating in the interlibrary loan resource-sharing network which the province has spent so much time and money to build up. The Brockville Public Library has lost \$46,000 in revenue over the past two years, \$26,000 of it in provincial funding. Our interlibrary loan staff is one part-time adult and one high school student. We lend more than we borrow. You have the stats in front of you in the report.

Our 1997 provincial grant is \$42,000. The question is, will city council find this money in 1998 or will we be facing further staff cuts? In Brockville last year, Phillips Cables closed, putting 350 people out of work. In two years' time, if the recommendation goes forward, the Brockville Psychiatric Hospital will close, putting 650 people out of work. The new welfare funding is 50-50, and I can see the city facing some major decisions about exactly what it can afford to fund in our community.

I am also concerned, as some of my colleagues have already expressed, about the undercutting of libraries on an individual basis. There will be some libraries that will continue to get excellent municipal funding and others will not. How can a network survive when there are individual libraries in the network that are not well funded?

In the cultural partnerships branch, the staff of SOLS, Southern Ontario Library Service, has given our library excellent professional service over the years. At the moment they are helping us to conduct a user survey,

they have developed the Excel program to train library workers in the field and they provide a lot of professional expertise. My question is, as a small medium-sized public library, is this professional assistance going to continue?

Under the issue of governance, Bill 109 removes the legislative obligation to appoint a citizen majority board, thereby removing a democratic, arm's-length approach to managing a public library.

We celebrated our 100th birthday in 1995. Over the years, many men and women have contributed to our library. As a recent example, we are nearing the end of our Access Tomorrow funding-raising campaign to raise \$600,000 for the expansion and renovation of our 1903 Carnegie library. We began less than two years ago and have raised \$576,000 to date. This success is due to the leadership of the library board and the tremendous support from the community.

Giving municipal councils the option of choosing the type of governance leaves the door open for the elimination of library boards over time. The way Bill 109 reads, an administrator of a municipality could become the chief officer of the library, in effect making the library a department of the municipality. This change in governance poses a threat to intellectual freedom, as it puts the library in danger of political interference and pressure from special interest groups. This month alone I handled two requests from patrons for reconsideration of library materials. Do we want this decision to be left in the hands of politicians?

As it stands, the Public Libraries Act gives a municipal council complete authority to appoint all board members and to approve the library's annual operating and capital budget line by line. Volunteer library boards have proven their worth over the last 100 years. Why is this new legislation abandoning it? Municipal councils have always had local control.

Two points on this. Our budget this year was cut \$20,000. We're back to 1995 levels of funding. We were told to bring in a budget at that level and that's what we did. If that isn't control over funding, I'd like to know what is.

The other thing I want to point out — this is kind of jumping around a bit — is that we've had increasing numbers of questions from patrons needing help with legal questions because of cutbacks in legal aid. Luckily, we have a board member who is a lawyer and happens to be head of legal aid for Leeds-Grenville. He was able to give us some useful hints and guidelines, recommend some additional tools we could purchase, and also give us some idea of what our limitations are as far as providing this kind of information to people. This is somebody from the community who is serving on the library board because he cares about library service to his community. It's invaluable.

On another personal level, I serve on the CAS board for Leeds-Grenville, a 21-member board. It gives me a chance to contribute to my community, and I have learned an awful lot in the three years I've been on it so far.

Core services, user fees and universal access: This new act protects free access to print materials. I agree with the comment made by a gentleman who's head of information services for the New York Public Library that it's

flapdoodle, empty nonsense, to say that traditional publishing is going to disappear and that books are not going to be an integral part of public libraries for more than the next 10 years.

More and more information is only available on the Internet and on CD-ROM. I have a couple examples to give you. We are taking part in the electronic publications pilot project which Stats Canada is conducting across the country. We're one of the few public libraries involved in this. Thirty publications such as the consumer price index are available to us only on the Internet and are only accessible on one of our two public Internet computers. There are many problems with this format: lengthy downloading time, inconsistency in protocols used by participating departments and limited user access due to the lack of computer equipment. We have two Internet computers, thanks to a grant, and only one of these computers is linked to this particular database.

But this project points to the future direction of how we are going to have to gain access to government information. A major role of the public library is to promote an open and democratic society by providing everyone with access to a broad range of information. Who is going to pay for printouts of government-generated information? Not everyone has a personal computer they can download to. Will MPs and MPPs be inundated with requests from their constituents for copies of reports and legislation citizens need to make informed decisions? Core services must go beyond books, the traditional and familiar backbone of public libraries, to include information and leisure sources, whatever the format.

In conclusion, the Brockville Public Library board recommends the following amendments to the Local Control of Public Libraries Act: Retain an appointed citizen majority board, and protect non-print sources of information from the imposition of user fees. These changes will ensure active participation by citizens in their library, free of political interference, thereby protecting our intellectual freedom, and will ensure free universal access for all citizens to the information they need, regardless of its format.

Thank you for hearing me. I'd be pleased to answer any questions.

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Mr Martin: Thank you for an excellent presentation. As we cross the province, we hear from people who are intimately involved with the delivery of library services re the shortcomings of this bill and what needs to be done to make it live up to the preamble in the bill.

I just want to ask you about one point you made which is a very important one, and that's the question of inequities this will create in the system because not everybody will have the same resource base, access to some of the very expensive, new technological equipment and even access to books. We had somebody come before us yesterday who said that because of the cutbacks they now have no book budget, if you can imagine, no book budget for a library. That's the reality that we're living with.

In your experience — you probably are in contact with other people who deliver library services — how extensive will this inequity be across your region or, if you know, across the province?

Miss Williams: Brockville used to be a resource library for Leeds-Grenville, and Leeds-Grenville has a lot of small libraries that do excellent work. I've always been amazed at the commitment and energy from the mostly women who have run these small libraries and developed collections and services for their users and participated in the networks that have been developed. I have a concern that some of these small libraries are simply going to disappear.

It's interesting to note that the Nepean library started out at somebody's house. Ruth Dickinson started that library from her house and it grew into what we have today, the city of Nepean library. If she were alive today I think she'd be amazed.

The impact for some of these small communities, including ours — we belong to AMPLO, which is an organization of medium-sized libraries, but we're small; the population is only 21,000 — will be quite dire, I think.

Mrs Julia Munro (Durham-York): Thank you for bringing your report to the committee. I'd like to concentrate our discussion on the two points you raised at the end of your presentation, particularly the issue of the citizen majority board.

In the part of your presentation on governance, you refer to the notion that this is a democratic, arm's-length approach to managing the public library. You made reference to a couple of issues that you had most recently dealt with. If those had not been addressed satisfactorily, if you weren't able to reach some kind of satisfactory conclusion, to whom would you go or would those people go who had a problem?

Miss Williams: Are you talking about censorship issues?

Mrs Munro: I assumed that's what you were talking about.

Miss Williams: It's my responsibility as CEO to do my best to uphold board policies. We have a collection development policy. We also have an open access policy that says that children have access to all the materials in the library. We do not act as parents. I pointed that out to the two parents who were particularly concerned.

Mrs Munro: If they had not been satisfied with the way in which you handled this, where would they have gone?

Miss Williams: I spoke to them on the phone and defused the situation. If they had still felt the situation was serious enough that they wanted some action taken, I would have asked them to fill out a request-for-reconsideration form. That would have gone to the board for its review, and then the board would make the final decision.

Mrs Munro: To whom is the board accountable?

Miss Williams: The board is accountable to the community and it's also accountable to city council.

Mrs Munro: In your presentation, at the very end of that section on governance, you suggest that the municipal councils have always had local control. If the council had some discretionary power in regard to the board, is there anything in your experience to suggest that they would want to handle anything differently in terms of having some community representation, citizen representation?

Miss Williams: Are you talking again about the issues of censorship?

Mrs Munro: No, just in general.

Miss Williams: I'm not sure I quite understand the question. Are you talking about issues of funding?

Mrs Munro: In raising the fact that there isn't specified in this legislation a citizen board, is there anything in your experience that would suggest that a council would have reasons to want to change that opportunity for citizen input?

Miss Williams: At our local level, our mayor has said that he feels the police services board, as an example, should continue to have citizen participation. He might agree with that as well for the library board. But that is just one mayor this year. What is going to happen with the next municipal council and the next mayor?

Mr Gravelle: I want to thank you very much for making the presentation. Certainly we are hearing a consistent message and it truly is an important message, which is that unless there are substantial amendments made to this bill and unless there is an acceptance by the minister and ministry that there needs to be some form of provincial funding, the very existence of the library system in the province is absolutely threatened. There will be branches, as you said, that will simply close because it's going to be impossible for some municipalities to be able to make up the difference. That message is important and I hope the government members are listening, because I hope they also very much support the library system.

It's important that people understand the importance of the networking that has been discussed quite frequently, but I'm not sure it's really well understood by all of us. I think it's important that people understand what difference the network makes and how it works. I know the interlibrary loan program is incredibly important, and that's very much threatened. Can you talk to us a bit about the networking between libraries and explain to us what value that has to the whole system?

Miss Williams: When you talk about networking, are you referring to associations like AMPLO?

Mr Gravelle: That's right, the whole concept of sharing resources, working in terms of goals for the entire province, informal networks; you mentioned those as well. I'm curious to hear more about it and what value it has, for example, in terms of Brockville and Toronto or Brockville and Thunder Bay, which is my town. Is there an important relationship that needs to be maintained?

Miss Williams: A number of organizations and associations of people are very important in libraries in this province. I can't stress enough the importance of SOLS, the Southern Ontario Library Service, and the Northern Ontario Library Service for the northern libraries. We're conducting a survey right now, just an in-house user survey, but it's very interesting. Most people don't want user fees, by the way. I get access to expertise and advice and help.

Then there are other organizations. Margaret Scratch is here today. She is looking after small libraries in this part of the world. They meet on a regular basis, and I try to go to their meetings because I always learn something. I'm a member of AMPLO. I'm a member of the Ontario

Library Association, which was established around 1900. Larry Moore is here; he could correct me on that. These are all organizations that are invaluable for sharing information, lobbying, keeping us in touch with issues that are of concern to our communities.

The Chair: Thank you very much, Miss Williams, for coming forward and making your presentation today.

1010

FRONTENAC COUNTY PUBLIC LIBRARY KINGSTON PUBLIC LIBRARY

The Chair: Would Marcel Giroux please come forward. Good morning, sir. Welcome to the committee.

Mr Marcel Giroux: My name is Marcel Giroux. I'm chairman of the Frontenac county library board, but I also represent the city of Kingston library.

The two libraries are currently going through a process of their own amalgamations. The local politicians, going through reorganizations of local civic governance, have decided that the city and county libraries would become one library system, which is giving us another little problem to solve. It's like trying to play a baseball game with two pitchers at the same time.

You have a written copy of our presentation. To save both of us a lot of embarrassment, I'm not going to read that word for word.

I'd love to delight you with something new and fresh and unheard of, but I can't. You've heard it all before. As the song says, this verse is just like all the other ones. But I am going to simply hit some of the highlights and try to do the job as I was mandated to do by both boards.

The three main points, as you've heard, are access, funding and governance. Those are essentially the three points I will reiterate at this moment.

The new act seems to indicate that for free you get the book on the shelf, and for fees you get all the other forms of information. By that definition, the words "scroll" and "stone tablets" should have been added to the books on the shelf. That's how far back that goes. All of them still exist, and the books are certainly going to continue to exist, but we feel that the product here is the information and the format is totally irrelevant. Who knows what formats we'll have in the next generation?

We also know that electronically stored information is available sooner and is more easily retrieved. You end up with two groups of people — I'll exaggerate a bit — the poor, who plod from shelf to shelf and book to book, and the rich, who have the right buttons to push to retrieve the information immediately. I'd like to point out that when the economy takes a downturn, library use takes an upturn. There are a lot of librarians here who would give you the stats to prove that.

I still have to ask, why is one format of storing and retrieving information in a different category than any other? Fees have an immediate detrimental effect, because we've had the experience in both the libraries — we started charging a 50-cent fee or a \$1 fee for the borrowing of videos, to cover the insurance and replacement costs, and one library went down 37% and the other one went down 50%.

The next point is that a lot of little branches, a lot of our libraries, only have books. They haven't reached the modern age yet. There's nothing left to charge fees, so where are they going to get any other sources of funds?

I've been involved with libraries since 1968, as a citizen volunteer to try to establish a library in the first place in Frontenac county, and I can guarantee you that libraries were never coddled. There were never any extra funds. I've worked on libraries, I've worked on arenas, and I can assure you it was easier to get money for the arena than it was for the library.

I've also served on the library board representing the municipality, as I was on municipal council for 13 years, and the libraries were always the first cut. I know. I was around the horseshoe when it was happening. Elimination of provincial funding is definitely going to undermine the standards. It is going to create wide discrepancies among the citizens. It's even going to kill some libraries. When you look at our county system, the county of Frontenac is 40 kilometres wide and 160 kilometres deep. The roads were paved only within the last 15 years in the northern half. Most of our branches are only open somewhere between six and 20 hours a week, and you're going to cut that some more. As somebody has already said, those who have little will have less.

The province indicates some continued support through the Ontario Library System, which is fair enough. I'm also on the SOLS board. You've heard the acronym: the Southern Ontario Library Service. But its budget was cut 37% in the last year, and if we start trimming down the existing libraries, probably including the elimination of some, who's going to be around for SOLS to help?

In the area of governance, we know the province no longer wants to pay the piper so therefore leaves it to the municipalities to call the tune. Most of us express some fears, and I have been there. The existence of the local library is so dependent on the local municipal councils. I don't want to suggest that all libraries will automatically disappear the next day — I don't think that will happen — but it will make a tough job a little tougher. When I was working on the citizen committee to establish a county library in 1968, you wouldn't want to hear what I was told by some of the politicians: "Who the hell needs books? If you've got time to read a book, you should be out chopping wood." I said, "I already chop my own wood, but I also read books." You've got to do one to rest from the other.

At the best of times, when libraries were being funded reasonably well, there was still a large number of volunteers. I wouldn't know the number, but I'd say 40% or 50% of the work of libraries is done by volunteers at the best of times. The new act decides to ignore those volunteers. It doesn't mention that it would be great to keep all those non-elected members on these boards. Boards, if they are made up strictly of politicians, will come under pressures that boards of a mixed nature don't have or have a lot less of.

Somebody tried to throw the word "censorship" around. As school teachers many years ago, the only problem we had with censorship of books in the libraries came from the local politicians. I forget the name of the book now, it was that long ago. But put yourself in the

place of the local politician who has a dollar left and his two options are to buy a book or fill a pothole. Which one are you going to do?

1020

Essentially, that's it. Information is information, and the vehicle it comes in or rides on is totally irrelevant. I don't see any reason why one should be free and one should be fee. The fees are not going to do it in many places. We've had good volunteers. Let's make sure we keep them around.

Somehow I seem to have heard many suggestions made that when government funding is retracted in many areas, volunteers and families are going to have to bring in. Somehow it seems to be sort of illogical, in an area where volunteers have already established themselves and proven themselves, a 150-year record, that that is thrown by the wayside.

It also seems a little bit illogical to me that a government that is trying to bring into its own hands the funding and governance of boards of education seems to be going in the opposite direction for libraries. As you've heard before, and I certainly also believe, libraries are just another part, another facet of our education. As a matter of fact, it's the umbrella or the foundation, whichever, it's top and bottom. Schools are very narrow in between: specific dates, specific years for very specific functions. Libraries are always there, from toddler to death, and many of us use libraries from a very early age and continue as long as we can reach them.

I'd also like to remind everybody that libraries existed way before formal education systems, and even before elected politicians. Just check your history. Libraries will survive, but we'd love to remember everybody here among our list of benefactors. Thank you.

Mr Jim Flaherty (Durham Centre): Thank you, Mr Giroux, for your presentation on behalf of both the Frontenac County Public Library and the Kingston Public Library, as I understand it.

Looking at the big picture, I have a bit of a problem with the logic you seem to be following when you say the province no longer wants to pay the piper. Indeed the province has not been paying the piper in public libraries in Ontario for many, many years.

One of the first grants to a public library in Ontario was to Kingston in 1835, to the Mechanics Institute, but the history of public libraries in Ontario has been a history of local funding and local governance, not a history of provincial funding and provincial governance. In fact, the Kingston Public Library, as I understand it, has an operating budget of \$1.9 million this year, of which the provincial government will contribute \$165,000. Is that correct?

Mr Giroux: I'm not up on all the particular numbers.

Mr Flaherty: The Kingston Whig-Standard says that. That's less than 10%, so if what you're saying to me is that the people of Kingston are not prepared, through their elected councillors, to support their public libraries, then I'm really taken aback. I would not think that would be the attitude of the people of Kingston, since their municipal council has been supporting that public library to a tune of in excess of 90% of the funding of that council.

Indeed, the gentleman from the Bibliothèque publique d'Ottawa this morning said that when they polled the local citizens in Ottawa, they rated their library service second in importance only to fire services in Ottawa, and I would hope that's not terribly different in Kingston.

My point is that we're not talking about, should there be adequate funding for libraries? We're talking about, is the appropriate funding mechanism through the local governance and local elected politicians, as it has been for most of the history of libraries in Ontario?

Mr Giroux: May I respond?

Mr Flaherty: Yes, please.

Mr Giroux: I was referring, as most people here were referring, to the household grants. You're making the very point that anybody who lives in the city will make, that the major population areas have got much healthier tax bases. The household grant in Kingston maybe amounts to 10%, but I can guarantee you that in most other libraries, especially the smaller libraries in smaller communities, that household grant creeps up to 30%, 40% and 50%. That's all those smaller libraries represent. If you cut that in the cities, it's not going to make that much difference. In the field of education, large cities don't get any government grants at all because they have the major industrial tax bases. In the country that's not the case. If you look at all the libraries, that 10% figure doesn't apply.

Mr Gravelle: Thank you very much. I think that point is being very clearly made. Obviously larger libraries, many of them, hope to maintain some proportion of provincial funding because it's very important, but it's crucial for the smaller libraries. They're the ones that we really are going to see closing. They're the ones that are going to be affected. It's important, I think, that the government members understand that. I think they do now, because it's been made consistently clear. This is not conjecture. This is fact. The proportion per household is higher, so it's very important.

But also I think it's fair to say, even just in response to Mr Flaherty's point there, that yes, the municipalities have paid the larger portion, and the amount of money that came in is \$165,000 or something, but with the downloading and the fear from a lot of municipalities and the belief, and in some cases confirmation, that there will be a net loss to the municipalities, there are going to be further demands made on them that might make them, as you said, make a decision with that last dollar, between that pothole or the book.

I'm sure that is really the great concern. It's not a question of commitment by the municipalities, nor a criticism. It's that they may be in a bad position. If you want to comment further on any of that, I'd be grateful.

Mr Giroux: The only comment I can make is that if I were living in a major city, I'd probably be glad of the elimination of political involvement at any level. But when you live in municipalities that have very little tax base — the only tax base is the residential tax base — it's a different story altogether.

Mr Martin: You opened your presentation by saying that you basically had the same message to bring and then went on, actually, to make a very I thought cogent, focused argument about the issue of format. I just want

to say that it's important, though, that we hear the message and that it is a consistent message and that people like you, who are so intimately involved and so obviously concerned, get a chance to say your piece and to tell your story, as you have today so effectively and so personally.

You said that format wasn't important. I would suggest to you that it is important when it comes to the cost of the format. It becomes very important because of the new format that's coming on stream that actually the government, to give them credit, is funding up front. We had a wonderful presentation in Toronto a couple of days ago of the new 2000 project and some of the ability that will provide.

But as you say, if you don't have the down link in particularly the smaller communities, if you don't have the ability as a poor person to afford the fees or have a computer at home, then it's all for naught. It seems to me we're putting the cart before the horse here. Would that be your perspective?

Mr Giroux: Absolutely. The object is to have the information available to all the citizens, not only the rich ones or the ones who have that extra dollar in their pocket. The availability, the universal access of information must be maintained, whatever vehicle that information is carried on. The next thing you're going to find is that somebody says: "That's fine, but you can only buy \$20 books. You can no longer buy \$30 books." How far are you going to go? In which direction are you going? I still like the idea of the scrolls and the stone tablets. Why not?

The Chair: Thank you, Mr Giroux, for coming forward and making your presentation today.

1030

NEPEAN PUBLIC LIBRARY

The Chair: Would the representatives from the Nepean Public Library board please come forward. Good morning and welcome to the committee. I'd appreciate it if at the beginning of your presentation you'd introduce yourselves for the benefit of Hansard and committee members.

Mr Tom Foulkes: This is Alice Basarke on my immediate left, Sandra Nolan, and I'm Tom Foulkes. We are trustees in the Nepean Public Library board.

Today I will talk about our letter to the minister supporting the Local Control of Public Libraries Act, Bill 109, the superconference and our vision with respect to local needs and service to the public. Ms Basarke will address library boards in terms of citizen participation, board composition, council involvement and rotation. Ms Nolan will speak about the team approach — libraries, boards, friends and volunteers. In addition, she will touch briefly on funding and Ottawa-Carleton's negatively disproportionate share. Finally, I will summarize.

In our letter to the minister dated January 20 this year, we stated that we had reviewed the implications for public library services of the proposed new act to govern Ontario libraries. The board concluded that the new act is a carefully considered response providing a pragmatic, practical solution that balances the concerns of the vari-

ous stakeholders in the public library industry and that the Nepean Public Library board supports this legislation.

When I attended the OLA superconference in Toronto in early February, I discovered that our letter had been circulated and that our views were not widely shared at that time. Many people, including trustees, had chosen to see the proposed legislation in a negative light. At the advocacy sessions and other trustee functions, the impact of Bill 109 was widely and heatedly discussed. I believe that by the end of the conference our perspective was better understood and that a number of trustees from Windsor to Kingston and points in between shared our view. Certainly the rhetoric had moderated and the OLTA response to Bill 109 was more balanced. My colleagues will discuss some aspects of the act in greater detail.

The strongest, most vocal opponent of Bill 109 at the superconference told me he could see the act working for us in Nepean, but not for others. I considered that progress after two days. It was my understanding and observation at the conference that there's considerably less angst about the proposed legislation in eastern Ontario than there is elsewhere across the province.

As you know, two of the concerns expressed were that boards would become a committee of council, and libraries a city department. We can be sympathetic to that view, but my personal research as a resident of a major city, cottage country and a small community indicates otherwise. We do not believe these concerns to be realistic.

Libraries are a hybrid, containing elements of both soft and hard services. They serve as a continuous, lifelong learning centre, a resource centre and a place of fun and enjoyment for its users as they satisfy their curiosities or their thirst for knowledge. An elected official is not likely to willingly vote to reduce these opportunities. Hence, he or she will want an intermediary: citizen representation on boards to deal with governance and funding issues.

The Nepean Public Library system was not in very good shape in the early 1980s. It was through the efforts of enlightened councillors, including the mayor, who took over four of the nine board seats, that revitalization of the system took place. Therefore, the Nepean experience of active involvement by council has been a positive one.

The ministry statistics support the obvious pride we have in serving our population in Nepean. We have the highest per capita circulation rate and the second-highest expenditure per capita in the national capital region. A survey conducted on behalf of city council in 1996 indicated that 98.5% of our citizens are well satisfied with their library services.

When discussing restructuring of local government last summer, an option was put forward that would see the area's 11 libraries rolled into one. Upon reflection, our board disagreed with this notion as did a number of other boards in the region. Ottawa and Nepean both made presentations to regional council and this idea was dropped. Our opposition was based on the knowledge that Nepean's needs are not those of Gloucester or Osgoode. Our populations and demographics are different. Our role as trustees is to ensure local needs are met as part of the broader provincial-eastern Ontario requirements in an economic, effective manner as we serve the public.

Trustees do not and should not operate libraries, but rather take a longer-term view to the future with respect to policy, funding and materials. We care for and nurture our libraries. We are appointed to serve the public, to meet local needs. We are volunteers, we all spend more time and energy as members of library boards than we had originally planned, but for the most part we are proud to do so. Libraries are an integral part of our community and we plan to keep it this way.

Ms Alice Basarke: At this point, I would like to mention the nature and importance of library boards. The boards' role is setting policy to operate management and governance of library services. In Nepean we have always found it beneficial to work closely with city council, but we also believe that citizen participation on library boards is very important. It has to be a partnership, working together towards a mutual goal of locally determined public library service that meets the needs and demands of our users. Our method of operation works well for us. Stats prove we are efficient and give the public what it wants. Still, on the provincial level, change is needed. We believe that the new act can encourage and facilitate such change.

The library is there to provide service. Public libraries have the fundamental responsibility for providing access to all expressions of knowledge, intellectual and creative, regardless of any controversial opinions on the subject. Citizen volunteers from the community are essential because there is a vital need to reflect and to respond to the needs and demands of the community. It is only through citizen involvement in governance that we can ensure a library service that is responsive to local needs and, most important, be able to guarantee intellectual freedom. Selection of library materials must not be subject to the political process.

Libraries naturally support formal education and therefore educational institutions at all levels from primary to post-secondary. However, another important role is the support of informal education, that is, intellectual freedom and lifelong learning as well as recreation and enjoyment. Lifelong learning can be promoted best through freedom of access to whatever information any citizen requires. It is important to keep our doors open to all, regardless of the economic situation of that individual. We are therefore pleased that you have agreed with us, and no charges will be levied for basic services.

The Nepean library board supports the proposed act as a reasonable compromise between municipal control and total board independence. Change is needed. The act allows enough flexibility for adjustment to local conditions. Boards and councils must work closely in partnership towards the mutual goal of a locally determined library service that meets the needs and demands of its residents. We certainly do not expect the act to be abused by local councils. Indeed, we are very fortunate in Nepean to have a long and happy record of cooperation and harmony with our city councillors. However, we cannot deny the possibility of potential abuse of power by city councils. Should this ever happen, we would expect your ministry to monitor the situation and take corrective action through legislative amendments.

We sincerely believe that the new act will encourage a closer and more productive relationship between municipalities and boards as well as library and municipal organizations. In Nepean, the process of establishing a new library board under the new act is under discussion at joint board and council committee meetings. The board position is that, ideally, a library board should be made up of a majority of citizen volunteers; there should be a fixed term for board members; membership should be done on a rotation basis to ensure continuity; there should be a fixed minimum of city councillors on the board; and the chair should be a city councillor.

1040

Ms Sandra Nolan: Public libraries are changing because of declining revenues and must provide services in a new way. In Nepean, as a result of Bill 109 and faced with reduced funding over the past few years, we are adopting a team concept approach whereby the library board, management and Friends of Nepean Public Library are pulling together as partners to provide the necessary level of service that our community has come to expect.

Friends support the services of the library through fund-raising, advocacy, provision of special services and communicating to the community about the importance and the role of public libraries. For example and for your information, the Friends of Nepean Public Library is an active and thriving corporation separately governed from the library board. It has a paid volunteer coordinator, does fund-raising activities and has an operational used bookstore. The Friends also offer a variety of special services and activities, including the delivery of library material to shut-ins, special collections and reading programs for seniors' residences, book sales and literacy programs for school-age children, to name a few.

With a view to the future role of Friends within the library community and our own commitment in Nepean, the first national Friends conference will be held in Ottawa this June at the CLA convention and is being sponsored and headed up by Nepean Public Library Board, staff and Friends. However, volunteers cannot take the place of paid workers and should not have to pick up the work that may come about as a result of layoffs. Through their good activities, Friends should remain advocates for the library community for good, strong public information service.

Funding is another issue. Funding issues are critical. Libraries have been heavily impacted this decade by provincial legislation such as the social contract, expenditure control act and the phasing out of all direct provincial support for public libraries. Access to additional municipal funds are limited, as municipalities themselves are also under severe funding problems.

The province must ensure that the lost provincial grants to public libraries are at least partially offset by increased municipal funding or additional access to other revenues. Property taxes alone cannot fund all library services demanded by residents. Core services, including access to educational resources and guarantees of intellectual freedom, should continue to be funded collectively through property taxes. Other non-core services should be partly supported by grants. We agree with the bill that fees for library cards are not appropriate or acceptable

because of access issues and because users have already paid for this level of basic service through their taxes. Free access to technological information must be on par with access to traditional information to keep pace with the information revolution.

We want to ensure an equitable distribution of funding. Ottawa-Carleton represents almost 7% of the provincial population, yet over the last four years we've received less than 1.5% of the special grants available. We should have our fair share.

Ms Basarke: Last year the minister met with our CEO and board chair to discuss changes in funding and operations of public libraries in Ontario. Thank you for listening and giving us the opportunity to meet with you again. Your willingness to listen and consider all angles of the problems that confront us shows a commitment and flexibility that is essential to problem-solving.

Mr Gravelle: Good morning and thank you for your presentation. Clearly the Nepean Public Library board has a very good relationship with council. I guess that is one of the reasons why to a large degree you're supportive of the legislation. But I note you do express some concerns about other jurisdictions, because this legislation obviously is province-wide and not just specific to various regions and obviously because each municipality is going to have a different set of circumstances, there is — you use the term "potential for abuse." I don't think that would be the term I would use but I appreciate what you're saying. But you are saying, "Should this ever happen, we would expect your ministry to monitor the situation and take corrective action through legislative amendments."

Would you think it would be wise to put the legislative amendments in now at this portion of it rather than monitoring it after the bill? In other words, if you think that there may be a need for legislative amendments down the road, does it not make sense to put them into the bill as part of this process we're going through right now?

Mr Foulkes: On a personal basis, I'm more of the carrot approach than the stick approach, and to put those kinds of things in is a stick. One of the reasons that things have worked well in Nepean is we have a positive attitude. That has been in evidence for a number of years. In my opening remarks about the conference and so on and so forth, there's all that negativity and whining instead of trying to look at the glass half full and move forward with opportunity. We see this as an opportunity. Right now, under the current legislation councils can appoint board members, and they do. Every trustee in this province is appointed by a council.

Mr Gravelle: That's right.

Mr Foulkes: That is one of the issues that we're talking about here. It's not an issue; it's a non-starter. We're talking about this being part of the big funding piece. We're talking a total of, what, \$15 million, as I understand it, in the order of magnitude of moneys coming out of libraries. The issues aren't really about funding, are they?

Mr Martin: I appreciate your coming before us and sharing with us your thoughts on this issue. You probably recognize — I think you've been here for a good part of

this morning — that your initial thrust in the presentation is different from the other library boards from your area which you've said are actually more on side than offside with you.

Perhaps your view on that becomes a little bit more clear as we go into the body of your presentation because you raise the same issues that they raised as points of concern. The issue of governance — you obviously have found a balance in your jurisdiction — but you also make some points that suggest that there's a need for citizen participation. As a matter of fact, I think you said there was a need for majority citizenship participation; you balanced that with the chair from council, an interesting concept, I think.

You also talk about the issue of funding and make a very important and serious point, that property taxes alone cannot fund all library services demanded by residents. The big question then is, if that is what's going to happen — because that's what this is about — where do we get the funding?

The other point you make, which I thought was relevant but you might want to comment on briefly, is the question of a role for — you said: "Still, on the provincial level, change is needed. We believe that the new act can encourage and facilitate such change." You said that stats prove that we are efficient and give the public what it wants, but there's change needed on the provincial level. Could you expand on that a little bit? Two questions there: Where are you going to get the money, and what does the province need to do to change to help you in your obviously already successful venture?

Mr Foulkes: Our taxpayers in Nepean have told us, rather than reduce services, increase the tax base. That's the message that came in the core services review last year. That's the one answer.

To us, the change that is needed reflects an unevenness that has taken place over time. In Nepean alone we have swallowed over half a million dollars in the last four years in terms of various funding cuts that we have received or other kinds of activity, and the playing field has changed as a result. We think that the legislation needs to reflect that. Give us the opportunity to have flexibility in fees or creating of fees that isn't there under the current legislation. We look at this as a positive as opposed to a negative.

Mr Shea: I really welcomed the presentation. I thought it was very thoughtfully put together and well presented and I appreciate that. As we've gone through the hearings so far — I know that the opposition tries to characterize Bill 109 as just a financial matter, where the government sees it much more as a fundamental issue of democracy. You have in fact cut to part of that issue in your presentation.

I appreciated that because it appears in some jurisdictions there seems to be some disturbing gulf between what the Association of Municipalities of Ontario speaks about and some members of the library community address. You've found that unique balance. You've found a unique balance of cooperation that the act is trying to encourage and instil. I think you used the word "whining" at the very least, along with a couple of other comments you used that got my attention very quickly.

Mr Foulkes: That's not in the printed material.

Mr Shea: And it's not in the legislation either, I want you to know. But what you're really doing is trying to express a new sense of partnership. You have obviously been trying to move in that direction, driven as much by necessity as anything else. What do you owe that advance to? Is it because of the experience of your board members? Is it because of the sensitivity of council to the board? The way you present council, it doesn't appear as though it's onerous, it doesn't appear that it's anything less than cooperative with the library board.

Mr Foulkes: A number of years ago our library was not in very good shape. When council effectively took the library board over they went out and hired an executive director who was a positive go-getter. He surrounded himself with some people who said, "Nepean is a first-class community and needs a first-class library system." People were upbeat about it and people understood the importance of libraries in our everyday lives in our community — now, the present and the future. They took an aggressive, positive attitude. People worked on the basis of trust and confidence. We may be naïve saying that, but personally that's my strongly held view.

Mr Shea: But your sense is that the new legislation indeed is reflecting the kind of partnership that you have already been working towards.

Mr Foulkes: It provides that opportunity.

Mr Shea: I'm sensitive to your comments about —

The Chair: Mr Shea —

Mr Shea: Well, there goes the time.

The Chair: Well done. There were only two minutes. Thank you all for coming forward to make your presentation to the committee today, appreciate your coming.

Mr Foulkes: Thank you for the opportunity.

1050

FRIENDS OF THE OTTAWA PUBLIC LIBRARY ASSOCIATION

The Chair: Would Nancy Goodman please come forward. Good morning and welcome to the committee.

Ms Nancy Goodman: Good morning, honourable members. My name is Nancy Goodman. I've been president of the Friends of the Ottawa Public Library Association for the last two years, a director of the Friends for the last six. I'm here today with Beverley Rix and Eric Moore, who are two of the other directors on the board, to tell you how strongly we feel about the Ottawa Public Library, to acquaint you with our perspective and to describe our work on the library's behalf over the last 16 years.

Our association of Friends is a registered charity. It was established in 1981, the first Friends of the Library group to exist in Ontario. Our success has made us a model for many new groups which have sprung up across Canada. We have over 250 paid-up members, over 250 Ottawa library supporters. In a city the size of Ottawa, that may not seem like a large number of citizens. However, the majority of these members are active volunteers who commit a considerable number of hours to supporting the library every week of the year.

The Ottawa Public Library is the largest officially bilingual public library system in Canada, serving not just

Ottawa but Ontario residents. We contend that it is doing an excellent job in difficult economic circumstances, keeping pace with technological and cultural change. It actively promotes the information highway as the key to a dynamic and exciting 21st century. Judging by the enthusiastic reception accorded the library's two new electronic resource access centres, an exciting part of Microsoft Corp's "Kidreach — Libraries On Line!" program, Ottawa is keen to explore and benefit from the library's vision and leadership.

We talk nowadays of the importance of the knowledge economy. What we sometimes forget is that if we are to prosper in this new age, everyone must have access to the tools and the information that will stimulate us to learn, to connect and to dare to imagine. The Friends of the Library recognize that everyone, and especially all our children, must have as much exposure as possible to information technology in all its forms, to accept and master it so well that it is as easy as opening a book.

Homes with a personal computer are still in the minority. Schools can provide much-needed computer access, but it seems to us that the library remains the essential and logical venue for the enhancement of minds and imaginations of all ages. I'm sure you wouldn't dispute the fine track record of the Ottawa Public Library in this regard. It has provided tremendous access over the years to traditional, and now to more cutting-edge, materials. Certainly we believe that the citizens of Ottawa think so because they walk through the public library turnstiles at a rate of 45,000 per week, and the circulation increased 10% last year.

Since our inception in 1981, the Friends have worked hard to establish our association as an essential support for the library. We boast a committed volunteer membership which has allowed us to raise \$500,000, half a million dollars, over the last 12 years. Through the auspices of a small secondhand bookstore called Ex Libris, located in a quiet corner of the third floor of the main branch, we have built a six-day-a-week operation, selling library discards and donated books. Considering that most of the \$500,000 was collected 25 cents at a time, this achievement represents a staggering investment of expertise and devotion on the part of Ottawa area volunteers, and at many steps along the way, library staff and management facilitated our efforts, truly a successful collaboration.

I think it's significant that the majority of our volunteers are senior citizens. They are people who know the worth of a dollar, the power of sustained, focused volunteer work, and above all, the importance of the library as an essential service within a thriving community.

We're well aware of the economic challenges which face both our province and our city. We ourselves on the Friends board of directors are actively re-engineering our skills, our mandate and our focus. We accept that changes must be made to help us adjust successfully to foresee and meet the demands which will be presented to us by the library and the interests of our community.

I've told you a little bit about our association and our demonstrable commitment to quality library service in the hope that our perspective may now be clearer to you.

We are unanimous in our belief that citizen representation is an essential part of public library governance. We

believe strongly that our best interests are well served by members of the community such as those individuals who currently serve by volunteering their time and effort on the Ottawa Public Library board. Further, we feel that the board should be composed of a citizen majority, in order to represent the diverse needs and interests of the entire community.

Our library board has shown good judgement and a careful grasp of the many issues it must manage. Perhaps it is because the board members have chosen freely to give their time that they exercise such careful stewardship of the library's funds, its standards and services, and in the selection of its chief executive officer.

The Ottawa Public Library has been successful in selecting extremely capable chief librarians in the past to take its helm, and the present chief librarian, Barbara Clubb, is no exception. In Ms Clubb the library has chosen a dynamic, highly skilled library professional who is able to oversee both technological and cultural change within a complex environment.

Our second concern is the impact on the quality and depth of library services if the library board loses \$1 million in provincial funding: \$1 million represents two thirds of the annual materials budget for the whole library; \$1 million dollars represents 20 to 30 skilled employees. As I noted earlier, it has taken our association 12 years of painstaking efforts to raise \$500,000, half that amount. With this funding still provided to the public library, our efforts at the Friends will continue to be put to good use: sustaining the popular home reader service, purchasing multilingual books, compact discs, videos, talking books, large-print books and technology. Without the funding, our efforts will largely be neutralized.

Before you make a decision, please think of all the people who will be affected adversely. Think of the students who won't find materials needed for a school project, the job seekers unable to research employment opportunities, the senior citizens who lose the chance to use a computer for the first time. Think too of the children who will be left behind academically because they've never visited a Web site or heard a book read aloud to them by a children's librarian; the home-based businessperson who won't have all the tools to pursue contracts; and the less affluent who will cease to feel welcome in what has always been a public institution of learning.

Lastly, we are concerned about the loss of the province's involvement in the public library service. It's critical that the province remain an active party, not just for funding, but to continue to set and promote consistent standards which ensure an enviable quality of library service. This is a time when more Ottawa citizens are turning to their library for information and entertainment than ever before. The library is a cornerstone of our cultural and academic life in Ottawa, and indeed in Ontario and throughout Canada. We hope it can remain a resource open to, and accessible by, the entire community, not merely a smaller segment of the population who can afford to pay fees or buy at a retail outlet the materials no longer available for free. We would like our public library to remain public, an egalitarian institution, open to all of us.

Please think carefully about the repercussions that may result from this bill. We respectfully urge you to take this opportunity to maintain this institution whose wellbeing is so crucial to our community. Thank you.

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Mr Martin: Thank you very much. It's good that you have come before us today, particularly as Friends of the Library. So far in the three days of hearings we've had it's been obvious to us by the participation of people — the room today is relatively full, yesterday it was full all day; at Queen's Park on Monday it was standing room only — that people are concerned about this issue and want to very sincerely and passionately defend a system they've all worked hard at building up over a number of years.

What's happened is that a pattern develops. There are three major issues, and you have touched on them here today. There's the question of board representation and citizen representation, and you make the very strong case for a citizen majority on that board. You also talk about funding and the problem that creates. I suggest that's what this is all about. Then you talk about provincial involvement, which for all intents and purposes is provincial disengagement, in this exercise.

I'd like to question you on the issue of the \$1 million. How is that being lost and what percentage of the total budget of the Ottawa Public Library is \$1 million? We hear that the provincial retraction is going to hit the smaller boards worse than the bigger boards, but \$1 million is a \$1 million, and if that's what you're losing, it suggests that the bigger boards are going to get hit pretty hard too. That becomes doubly problematic, because for all intents and purposes you supply a lot of the services that the smaller boards get, because you are a node here that does exchange with some of the smaller areas. Maybe you could talk for a minute to me about the \$1 million, where that comes from and some of the impact that will have.

Ms Goodman: That is on a budget of \$14 million, I'm advised by our chief librarian, Barbara Clubb.

Mr Young: It's 7%.

Ms Goodman: Yes, and as I said, it's specifically two thirds of the annual materials budget for the whole library or approximately 20 to 30 jobs for a year.

Mr Young: That was actually my question as well, 7% of your budget. What you do as a volunteer group is really fabulous, the amount of work you do, and we've heard from presenters in other communities that also do a lot. What I don't understand is why people think that this good work and the spirit of voluntarism are going to disappear with this bill, because I don't think it will. The people of Ottawa and area obviously feel that libraries are very, very important.

The Who Does What process just takes \$5.4 million off property tax and replaces it with other things. It's a revenue-neutral thing for us, and we think it gives better accountability on both ends. That's why we're doing it. Why do you think that if that came off your funding the local municipality, the people of Ottawa, through their municipality, wouldn't put the 7% back in?

Ms Goodman: To address part of your comment, I don't think the spirit of voluntarism will be changed to

the detriment of the library. We have a very active association. It just means that anything we do has to go a lot further. It means we'll have less of an impact in the things that we can contribute, and perhaps some of the things that we have contributed over time which could be viewed as non-essentials but extremely popular items.

Mr Young: But there's an assumption that the funding will be cut. I'm just saying I think the municipality will replace the funding because they see it as importantly as you do, so it won't affect your funding at all.

Ms Goodman: I don't know that for a fact. I don't know that the substitution will be made. Our position is that we simply don't know at this time.

Mr Young: So fear of the unknown is what it is, really.

Ms Goodman: To some extent. I guess we're looking ahead at a bit of a worst-case scenario and trying to get our position.

Mr Young: Do you make any differentiation between the use of educational and informational material, which we've heard a lot about in these hearings, and what is recreational, which is toys and movies, music CDs, those sorts of things? Do you make any differentiation between those two sets of needs?

Ms Goodman: This is Elizabeth Buckingham, who is a member of the Ottawa Public Library board and former chair.

Ms Elizabeth Buckingham: Certainly we make no differentiation of material. We believe that all information may come in a variety of material. Going back to your previous comment, the government, as I understand it, believes there will be no net impact and that what you are proposing is revenue-neutral. The politicians of this community believe there will be a significant impact and it is not revenue-neutral. Only time will tell.

Mr Young: But assuming revenue-neutral, you would be all right.

Ms Buckingham: That is a major assumption on the part of the government. The politicians in this community believe there will be a very major negative impact on Ottawa-Carleton.

Mr Young: We heard from people yesterday, for instance —

The Vice-Chair (Mrs Julia Munro): I must interrupt you, Mr Young. We have to move on.

Mr Gravelle: Thank you very much for your presentation; it was terrific. We've had other Friends in various communities, and the role you play is incredible. It's important that you come forward, because you are people who volunteer your time very freely because of how important you think the system is.

But let's go back to the funding issue. The government members continually bring this up as being only 7% and they can't understand why it's a problem. It was interesting to see that "only 7%" is \$1 million here, and that's a great deal of money. The fact is — there's no point in being coy here — that with the downloading going on, even the Association of Municipalities of Ontario, which came forward and in some ways is supporting this bill, now recognizes that there's probably going to be a \$1-billion shortfall in terms of what municipalities are expected to fund. What we're getting into is a situation

where, no matter how much you are devoted to funding for your library, municipalities already pay a large portion, and when you're battling between road repairs and libraries, we're all worried about that.

It's important to make the case that some level of provincial funding needs to be maintained so we don't get into a situation where we have this patchwork of libraries being set up. I presume that really is your point. I think the provincial funding is \$24 million a year, and that makes a significant difference.

As Mr Martin said, we've been told time and time again that a lot of smaller branches are just going to have to close because there won't be that municipal ability to do it. It's not a question of a commitment from the municipalities, because we know it's there with the large amount of funding. But is it realistic to expect them to find another \$1 million here when there are going to be these competing interests? I guess what you're hoping is that the provincial government at least through this will consider maintaining some form of provincial funding support.

Ms Goodman: Yes, that's the case.

Mr Gravelle: Defining print material as the core service, which is all that's going to be free, isn't realistic in 1997, is it, in terms of what formats information comes in now?

Ms Goodman: We're trying to be proactive and look at the popularity and the tremendous interest in any kind of electronic technology. Printed material, I would imagine, is going to remain the critical part of the service, but we have to make the electronic technology available, very clearly.

Mr Gravelle: Have you looked at all at how much you could get back through user fees, even though fees will affect accessibility?

Ms Goodman: Frankly, this is not an area that the Friends would be involved in.

Mr Gravelle: Fair game. Thank you very much. What you've brought to us today is invaluable.

The Vice-Chair: Thank you very much for appearing today.

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TOWNSHIP OF OSGOODE PUBLIC LIBRARY

The Vice-Chair: I call on Dr Arthur Conn, the vice-chairman of the township of Osgoode library board. Good morning, and welcome to the standing committee.

Dr Arthur Conn: Good morning. I welcome the opportunity to be here.

Osgoode township is about 20 miles out Bank Street from where you're sitting, 15,000 population. We are largely a rural township, with several bedroom communities located within the township. The circulation in our township was about 88,000 last year, roughly six items per head, and we spent about \$10 per capita. That gives you a bit of an idea of the size of our operation. We have an interbranch e-mail system which connects all of our branches, we use an interlibrary volunteer-based loan system, and the library board is very active in the operations of the library itself.

I'm here basically to line up in support of the brief that I believe was made to this committee by Hilary Bates

Neary, the Ontario Library Trustees' Association. We are very much in accord with that presentation.

We have a couple of recommendations to make in addition to what was presented in that brief, the first being that in addition to boards consisting of a minimum of five trustees, the majority of them being appointed citizens, we feel it's proper that the chair of the board also be elected from among the citizen appointees. This recommendation basically comes from corporate governance in Canada, whereby it seems that shareholders' rights are best protected and furthered when the board of directors and chair are independent of the management of the company. We think the same independent representation of stakeholders applies in this sort of situation. This is particularly important in a situation like ours, a rural situation, because our board is very active. We tend to get very involved with the actual operations of the board.

If I could refer to a comment that Mr Young made with respect to voluntarism, you asked the previous presenter what the downside was of the downloading of responsibility to the municipality from the province. I agree with the representative of the Ottawa Friends that it's very unlikely that the spirit of voluntarism would disappear in this kind of scenario. The only downside I see, the only risk, is if a citizen has the feeling that, "Oh, we'll let the municipality do it; I'm not going to bother volunteering because the municipality has paid people to take care of it." The only downside I see is a slight possibility for the average citizen to say, "We'll let them take care of it." But I don't think these provisions are going to have a huge negative impact on voluntarism.

We feel that a strong citizen voice is really essential to ensuring access to information. This is the key thrust behind our feeling about the chair being a citizen as opposed to a municipal appointee. Universal access to information is essential to maintaining our democracy, and we think that's best promoted by having strong citizen representation.

Strong citizen representation also ensures that the community's needs are really listened to. In our township the community wants a different service from what the library board in Ottawa responds to. The heavy influence of citizens on that board makes it very responsive.

If the Legislature goes ahead with doing away with the per household grant, as you're contemplating in Bill 109, we think the act ought to mandate that municipalities allocate a fixed percentage of their annual expenditures to the library system. I don't know what that percentage would be; it would be very easy to work it out, and it could be based on common practice at the present time. Really, the reason is that in some areas they're concerned that a municipality might allow a library system to become crippled or, in certain areas, perhaps even disappear. If it were mandated that a municipality must spend a fixed percentage of their annual expenditure on the library system, we think that would be a good way to go.

We support the OLTA's definition of "core library service" and that the service must remain easily accessible and free of charge. Again, we feel this is essential to protecting a fundamental democratic right, but even more important, it fosters a certain sense of entrepreneurship. Basically, the library system, certainly in our township,

is one of the best bargains going. Anybody who wants to learn anything about anything can do so in their public library, and they can do so in an atmosphere that's pleasant, they can do so with help from very bright, committed people. To me, to be self-reliant and capable of developing your own initiatives in life really requires access to information. The only way you can actually guarantee that to any individual who wants it is by having it available free of charge in a public library system.

There was a question also about the availability of certain services which may be seen as being recreational or entertainment, and this can be a bit of an issue. On the one hand you may have a CD-ROM which contains the Canadian Encyclopedia, and on the other hand you may have a CD-ROM which contains a Beethoven symphony. To me, a library system ought not to compete with the private sector. If that CD-ROM is available in a private sector environment, if it can be purchased or accessed that way very easily, I don't think the library system ought to be in a position of competing with the private sector.

However, if it comes down to a choice, as quite often it does, between whether a piece of material is educational or entertainment, I suggest it's better to err on the side of educational as opposed to entertainment. But if more pieces of material are viewed as being recreational, that presents opportunities to library systems to offer value-added services, for which I think it's legitimate to charge user fees.

Thank you very much for your attention, and I'd be happy to respond to any questions.

The Chair: Thank you very much. We have about three and a half minutes per caucus, starting with the government caucus.

Mr Flaherty: Thank you, Dr Conn, for your presentation. With respect to governance, I look back over what was said when our government introduced Bill 26. The concern from the library community, as reported, was (1) that it might lead to the abolition of library boards; and (2) that it might lead to the abolition of the free circulation of books.

In the discussion that's taken place since and in the resulting legislation, Bill 109, it seems to me that the bill attempts to strike a balance; that is, it preserves the library boards, first of all, but it acknowledges that the vast majority of funding comes from municipalities in Ontario now and that therefore they should have the governance role of appointing the boards without being fettered by instructions about who should be on the board. There's that balance and, second, the balance relating to the free circulation of books. Those two primary concerns are gone.

I heard the presentation on Monday at Queen's Park of the Ontario Library Trustees' Association to which you refer, Ms Hilary Bates Neary. She said, among other things, that across Ontario on the whole there is an excellent relationship between municipal councils and library boards. Is this true also in the township of Osgoode?

Dr Conn: That's my experience, yes.

Mr Flaherty: I wonder about this, since I assume goodwill and good intentions by municipal elected

officials. Is there a concern on your part that they would somehow seek to subvert appointments to the board or appoint inappropriate persons?

Dr Conn: Certainly not, no. It's not in their interest to do that.

Mr Flaherty: I'm repeating myself somewhat, but in my community of Whitby, certainly among those of us who have young children, we're great supporters of our local public libraries. Is that also your experience in the township of Osgoode?

Dr Conn: Yes. Public support for the library system in Osgoode township is quiet, just goes about its business in its own kind of way, but it's rock solid and very strong.

Mr Flaherty: This is why I find the suggestion not by yourself but by some of the other presenters here quite at odds with what I sense is the reality in my own community and other communities, and that is that as local ratepayers, we very much support our municipal councils supporting our public libraries. Therefore I do not understand the fear expressed opposite here that somehow this legislation would undermine local commitment, which has been there for more than a century, to local libraries in Ontario.

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Dr Conn: The only comment I could make on that is that I think the access to information is so important to preserving the democratic environment that it's worth special steps to ensure citizens have significant input in the access to information.

Mr Flaherty: Is there any reason to doubt that our local elected officials would share that commitment on behalf of the people who elect them and their children?

Dr Conn: I would really like to say in a perfect world there's no doubt, but I think there are enough examples historically that elected systems have gone astray. I'm not referring to Canada necessarily, but I think significant citizen contribution to access to information is really important. I'm talking about a real concern about access to information being a cornerstone of a democratic society.

What you're saying is that elected representatives are also a cornerstone of that democratic society, and I agree with you, but I feel that this is such an important, key element that it deserves that special attention.

Mr Gravelle: Thank you, Dr Conn. I don't think it's an argument about the commitment of municipal elected officials to the library system. That's been confirmed. We know that municipalities provide a large bulk of the funding to the libraries and that's been confirmed. The problem that is clearly happening is that there's the question as to whether or not there will be the ability to fund the difference. With the downloading that's going on — we can argue about this and we have done so — certainly there's a great fear that it will not be revenue-neutral. There's a belief that there will be a big gap, so municipalities will be under greater pressure.

I think that's really what this discussion ultimately is all about, that municipalities may not be in a position to fund more than they already fund, and they may want to do it. That's a great concern. That being the case, that funding will disappear. If that funding disappears — 7%, 10%, and in some communities a larger percentage of

that provincial support — then obviously it makes the stated purposes of this particular legislation almost farcical because you can't meet those purposes.

Dr Conn: there's obviously a very efficient board in terms of the dollars you spend and the per capita; it's pretty remarkable. But if the per household grant is gone, what does that mean realistically if that can't be made up municipally, if there's isn't an amendment that fixes that up? What does that mean in terms of the four branches? Can they still remain open? Are they truly threatened? Have you thought that part through?

Dr Conn: In our township, if the provincial grant were not made up by the municipality, one of two things would happen. One or two branches would close or we'd have to significantly restructure so that staff is laid off and replaced with volunteers. My own feeling is that the likelihood of that happening is not strong. I think they're getting such a bargain in our municipality anyway —

Mr Gravelle: They sure are.

Dr Conn: How they could go otherwise, I don't know. I think they'd face a major revolt, a major problem if they didn't make up that balance. That's not meant to be a threat. I just have faith that that would happen. I'm not an accountant; I'm not an actuary. If somebody says, "We're going to take it out of this pocket and put it back into that pocket," I'll let somebody else figure it out. I'll take their word on that.

What I'm concerned about is that if the province is downloading certain responsibilities and certain funding, if it comes out of one pocket, I want to make sure all of it goes into the other pocket. Library service is so important to a democratic society that whatever is going into that pocket now has to continue to go into that pocket. The municipality stretched with tight budgets may be very tempted to say, "It's just a library; let's close a branch. We don't need that," or "Let them close for an extra four hours a week." Eventually you cripple a thing when you do that.

Mr Gravelle: That's right, and that's what concerns a lot of us. The minister says this bill will actually improve the library service and library delivery in the province. It sure is difficult to understand how this particular bill can do that when what it does is basically take away a number of things. It certainly puts more of an onus on municipalities to increase their funding. It just doesn't seem to me to be a realistic expectation. That's why I think we need to have some amendments and sensitivity by all the members of this committee, and certainly the government members. I know they've been listening carefully. There's been a consistent point of view that we need to look at the government commitment. I mean, we've had government grants since 1899.

Mr Martin: Thank you very much for coming. It's been a rather interesting and curious experience to sit on this side of the room and listen to the exchange that's happened over the last few days. Sometimes we hear the government side suggest that there really isn't anything wrong here re the question of governance, which is the major issue you raised today, that there is a harmonious relationship out there and councils are working with library boards, so what's your problem?

I forget which board it was, but yesterday the chair of one of the boards came and said: "If there is no problem, why are you fixing it? If there's nothing broke, why are you fixing it? Why are you doing something that's going to change the balance of power here that will make for a difference that's creating all kinds of anxiety in people?" This lends to you coming and making this very strong representation for majority citizenship on boards.

On the other hand, we listen to an exchange that suggests that library boards aren't accountable and aren't responsible. That question was asked very directly yesterday to a councillor: "If somebody comes to you with a problem, where do you go, and can you hold library boards accountable?" The response was, "No, not really." Then the other question was, "When you set the budget for a library and you give it to them, do you have any control over that from then on until the next time you come back?" The councillor said, "Well, no," which suggests that library boards are not responsible somehow. What would be your response to that kind of question: Are you accountable? Are you responsible?

Dr Conn: The library board goes to council, asks for a certain amount of money and gets whatever it gets, and then they deal with that money for the rest of the year; that does them for the year. I can't honestly respond to that. It just doesn't seem feasible to me that a library board could go off and spend — we get \$150,000. If we went off and spent it on four sets of Encyclopaedia Britannica where one would do the job, acting irresponsibly, I can't see how the township council would not have access to do something about that clearly irresponsible behaviour by a library board in the legislation as it exists now. I honestly don't know the answer to that question, but the way our democracy works, no public board can behave irresponsibly and get away with it for any length of time. I just can't see it.

Mr Martin: What about the question of accountability?

Dr Conn: By the board to council?

Mr Martin: Yes, and to the citizenship as a whole.

Dr Conn: They are accountable directly to council and the library board meetings are public and the budgets are public. I don't know how much more accountable it could be.

The Chair: Thank you very much for coming forward to make your presentation.

GLOUCESTER PUBLIC LIBRARY

The Chair: Would Richard Summers please come forward. Good morning, Mr Summers, and welcome to the committee.

Mr Richard Summers: Thank you. I am the chair of the Gloucester Public Library board, and while I'm sitting here by myself, practically the whole board is in the back watching me, so you can see how keen we are.

Our board has followed with interest and with some concern the developments which led to the introduction of Bill 109. In January we wrote to ministers Leach and Mushinski in response to the recommendations of the Who Does What panel. This morning I would like to address three aspects of the new legislation; namely,

access to public libraries, provincial grants to small libraries and the question of library governance.

In reading some of the comments on the new legislation, one might be led to believe that Bill 109 heralds the beginning of the end of free library services in Ontario. The fact of the matter is that the wording of the Public Libraries Act, 1984, was ambiguous and that public libraries can and do charge for a wide range of services. If anything, the new legislation is more precise in defining those services for which libraries may not charge, although there is still a great deal of latitude for raising funds at the expense of library patrons.

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While the Gloucester Public Library has its own set of administrative fees, our board believes strongly in the principle of equal access. Because libraries cannot be created overnight, today's institutions are the result of decades or even generations of public investment. They are not just a service; they are a legacy. To restrict access only to those patrons who can afford the current scale of fees would be an affront to all those citizens, past and present, who paid their taxes in the belief that they were supporting a public library system. The Gloucester board would welcome any amendment to Bill 109 which would broaden the range of legislated free services and roll back some of the user fees now permissible under the Public Libraries Act of 1984.

For a number of years now, the city of Gloucester has been reducing its reliance on provincial funding in anticipation of the elimination of provincial grants. Our council's foresight has put the Gloucester Public Library in the fortunate position of being ready for the financial implications of Bill 109. However, the board recognizes that for many smaller public libraries, and particularly for those in rural and northern communities, this type of fiscal planning was simply not an option. For these communities, the public library is a vital and irreplaceable resource. Therefore, we urge the government of Ontario to make some provision for continued funding of small rural and northern public libraries.

All areas of municipal activity benefit from the input of interested and concerned volunteers. The Gloucester board was pleased to note that Bill 109 maintains governance through library boards, which henceforth will be subject to local regulation.

While we do not subscribe to the theory that Bill 109 was written with the eventual elimination of boards in mind, we note that the act is silent on question of the board size and qualifications for board membership. If a board is truly to be a board, it must consist of more than one member and probably not less than three. From experience, the Gloucester board knows that intelligent discussion and consideration of a variety of points of view is the key to providing a library service which is responsive to the needs of all citizens.

In so far as possible, a board should provide disinterested representation of the needs and concerns of library patrons. Elected municipal officials and citizen volunteers each bring their strengths and, to be frank, their weaknesses to the governance process, but both groups can be counted on to maintain a certain objectivity. The Gloucester board believes it would be unfair to expect either

municipal or library employees to maintain the same objectivity when faced with decisions on governance matters in which they cannot help but be implicated. These groups were excluded from board membership by the Public Libraries Act of 1984, and this same exclusion should be retained in Bill 109.

The Gloucester Public Library board recognizes that in many respects Bill 109 responds to the needs and realities of today's public libraries. We hope the government of Ontario will consider our suggested amendments in the areas of access, provincial funding and library governance. We look forward to a strengthened relationship between boards and municipal councils as they continue to provide high quality public library service to the citizens of Ontario. Thank you.

Mr Gravelle: Thank you, Mr Summers. Obviously the Gloucester board has done a pretty good job of planning in terms of preparing itself for the changes, but I note your sensitivity about the northern and rural boards. In essence, I take it what you're recommending is quite frankly the maintenance of some provincial funding, per household grants or whatever, something of that nature, in terms of supporting those boards, because otherwise I think we've been hearing quite regularly that a lot of them simply won't be able to stay open. Is that an accurate —

Mr Summers: That's true. This is based on our discussions with staff and trustees from those boards when we go to conferences, and they are really strapped for cash. Even things that we take for granted represent a large challenge to those libraries and I don't think a lot of them are going to survive without provincial funding.

Mr Gravelle: Just going back, I don't know how long you've been here this morning, sir, but we've been operating on the premise or at least have been talking in general terms about how the larger boards can handle this, but it was startling to me, and perhaps it shouldn't have been startling, to hear that for the Ottawa board, 7% provincial funding is \$1 million, which is a significant amount of money. To say it will be a challenge I think is probably the polite word, but you're prepared to say that otherwise you don't think the provincial per household grant is necessary or is needed? I know you've done something quite significant, but I'm just curious as to how you feel about it across the province, other than northern and rural boards.

Mr Summers: The problem with being a library board member is that you only represent your own community and you can't talk for other boards. When our board discusses, we realize that other boards may have different problems, but because our council had had this planned for a number of years to make the cities fiscally strong, we couldn't in good conscience say that we simply couldn't live without the provincial grant. We can and we will.

Pragmatically, whatever anybody says, I don't think anything is going to happen but a reduction in the grant to some boards. So we took sort of the last-ditch position, which is that there are boards or libraries that will not survive without provincial intervention and that's where the effort should be put in terms of funding.

Mr Gravelle: Do you believe, though, that the library system is part of the education system, that indeed there is a clear connection in terms of educating, lifelong learning concepts?

Mr Summers: Yes. You wouldn't be a board member if you didn't believe that.

Mr Gravelle: Okay, fair enough, which I guess makes the point. To me, that speaks to the need for the province to be involved, particularly in light of the fact that they are prepared to take over the funding for education totally, but yet are saying, "We don't want to maintain any funding for the library system." To me, this seems like a strange contradiction and I would like your thoughts on that.

Mr Summers: In our letter that I mentioned to ministers Leach and Mushinski, we noted that the province still has a role to play in that coordinating role for services like SOLS, which facilitate the creation of good library service. I don't think I'm really competent to argue whether or not by taking over the education system the province has got a built-in responsibility to library services. I think they do have a responsibility to library services, but —

Mr Gravelle: The minister says it too, may I say, in many of her statements, the importance of the library system in terms of education.

Mr Summers: Yes, but we believe that interest can be maintained by supporting the services which facilitate libraries in Ontario, sort of the linking services, and by supporting the smaller libraries. That in itself would be a significant —

Mr Gravelle: Aren't those linking services threatened?

The Chair: Thank you, Mr Gravelle. Mr Martin.
1140

Mr Martin: Thank you for your presentation. I think we have to, as we go through this process, look at these presentations in the context of what's happening out there to municipalities in all their facets. Right now, municipalities are really under the gun. They have been for a bit, but are going to be even more so as the reality of the download becomes evident.

I don't know if you read the paper yesterday, but there was an admission there by the Minister of Finance that along with the download, we now have the implication of a piece of the budget that came out last year which talked about the removal of the business occupancy tax that's going to have a major impact on the ability of municipalities to get tax money out of particularly larger business entities in their communities.

We've got a major onslaught here, and what this is about more than anything is giving municipalities the tools they need to deal with that in an accountable, responsible manner. In line with that, there's the suggestion made from time to time around this table that the present legislation and structure of boards lends itself to an uncooperative relationship and that boards in fact — and you heard me ask the presenter before you this question — are not accountable or responsible, and that supersedes any of the positive things you said here that boards who are citizen appointees as opposed to elected councillors would bring to a board.

What would your position on that be in terms of accountability and responsibility, given the terrible challenge that municipalities are going to have to deal with over the next two or three years as the reality of the fiscal situation unfolds?

Mr Summers: I'm not quite sure where your question is leading, but on the matter of responsibility and accountability our board strongly believes that we are accountable and we are responsible and we are a corporation. Therefore, we have the authority to spend money.

Realistically, most of that money currently comes from the municipality and so your relationship with council is sometimes delicate, but there's also mutual respect. It's the balance between being responsive to the needs of the council because they represent the taxpayers obviously, and being responsive to the specific library needs of the citizens, plus having the difficult job of managing in our case what is a \$3-million operation.

Our board can and has taken some hard decisions and we have argued with council over who had the right to do certain things, but at the same time we've got a very good relationship with council, so I think the model works and it works well.

Quite frankly, if any of us in this room think there's no any more fiscal challenges in the future, we're dreaming, and I think the library boards are an appropriate vehicle to deal with those challenges in the future. Whatever happens with Bill 109, as far as funding goes, there will be challenges and the boards that we have now do that well. So yes, they are accountable, they are responsible and they are appropriate.

Mr R. Gary Stewart (Peterborough): Thank you, sir, for your presentation. I want to just carry on with your relationship with your council. It seems to me, over the last couple of days, it's becoming a little evident that it's a them-and-us situation with boards and councils. I had a little difficulty when I heard a person the other day make a comment, "Councils got to where they were without the use of a library." I'm from rural Ontario and it appears to me that people think the rural Ontario municipal councillors don't have a lot on the ball and I take a little offence to that.

Anyway, your relationship with your board, I assume, is very good. Can you tell me what the makeup of your board is now in regards to municipal or council members as well as the citizens you represent?

Mr Summers: When the current board was formed, we had nine — or was it 10? — members with two councillors. One of them has since resigned from the board and we have just one councillor, but that councillor provides a highly effective link between the board and the council. I probably shouldn't speak for somebody who isn't here, but I believe that when he sits on the board, he does so in good faith as a board member and when he sits on the council, he does so in good faith as a council member.

Your suggestion that there's a them-and-us does not apply to Gloucester. I say that having already acknowledged that we've had our differences with council, but that's inevitable. That's how it's supposed to work, surely.

Mr Stewart: I agree with you and I guess that's what my point was, to try and to hope that it wasn't going to turn into a them-and-us situation, because I think the boards and municipal councils have worked extremely well in the past, and I believe they will in the future. I would suggest to you, as your council said, "If this act goes through, there's going to be a major change in the structure of your board."

Mr Summers: Have they said that?

Mr Stewart: Yes.

Mr Summers: We haven't addressed the issue directly. The source of things we've had we've suggested would set a minimum standard for boards, and we have minimum standards for other institutions like councils themselves. So I don't think it's inappropriate for the province to have a say on that.

Mr Stewart: Certainly most municipalities over the last four or five years have been preparing for zero per cent funding from the province anyway. So certainly the ones that have looked in the future are doing exactly what you're doing.

One thing that seems to be a concern is where some of these municipal councils may get additional funds. That was one of the reasons the \$1-billion reinvestment fund was put into existence under the Who Does What proposals. I would suggest that they have committees set up, whether it be through the board or through the local municipal councils, that that type of fund may help to offset any difficulty or any undue hardships, possibly within the library community. I would suggest that the libraries write to that committee and say, "Hey, we may have a problem down the road. Maybe this is a fund that could be accessed through out boards." I would highly suggest that you do that.

Mr Summers: I'm not sure of the details of that fund, but if it concentrates on infrastructure then that's problematic because these boards have problems with operating funds, day to day, year to year.

Mr Stewart: Yes, there are two different funds, one being infrastructure, \$800 million, and the other being a reinvestment fund and the criteria have not be set. I suggest to the library community that this is an area where some criteria could be built into it for those people who may have hardship in rural and northern Ontario to access some of those funds. So I think there's a possibility of a —

The Chair: There are about 40 seconds left if you want to use that.

Mr Shea: In the library board as it stands, who is responsible for the overexpenditure?

Mr Summers: The library board is responsible to council.

Mr Shea: To council. Which means — who is responsible for the overexpenditure?

Mr Summers: I'm not sure. Council is responsible to taxpayers.

Mr Shea: Council is responsible? Thank you.

Mr Young: Can I ask you a question too? We have 20 seconds left.

The Chair: About 10 seconds.

Mr Young: Do the library boards, to your knowledge, ever send the budget back to the city and say, "We don't need that much money"? That doesn't happen, right?

Mr Summers: If you want to know the absolutely truth, we were —

Interjection.

Mr Summers: Can I answer the question?

Mr Young: Sure.

Mr Summers: In preparing for the current fiscal year — the fiscal year is the calendar year — our board had set a target which exceeded the cut that the council actually legislated for the year. So we were being proactive. Did we send the money back? No, we didn't. What are we doing with it? We're providing services to the citizens of Gloucester.

The Chair: Thank you very much for coming forward and making your presentation to the committee today.

That's our last presenter for the morning, but I know that Mr Gravelle wants to move a motion.

Mr Gravelle: I seek unanimous consent. We have somebody in the audience who wanted to appear before the committee and was not able to make the list. I know our time is tight, but I'm wondering if the three parties could agree to let Lori Nash from Cumberland, Ontario, make a verbal presentation. She has asked for just 10 minutes. Again, she didn't make the request formally; she was late putting that request in and was not able to get on the formal list. I wonder whether we can seek unanimous consent to have her make a presentation of 10 minutes to the committee.

The Chair: Before I entertain discussion on that, normally we would have a cancellation policy and they wouldn't have folks come in the morning, but we haven't had any cancellations. We do have about 10 minutes before noon. But I just want to make clear that normally this happens on a cancellation. We don't have one, but —

Mr Gravelle: That's why I'm seeking unanimous consent.

Mr Martin: There's also, I believe, a policy that calls for people who are on a waiting list to get first priority, but I believe there are none in Ottawa so we're not breaking any list here. It seems to me that while we're here, once we're here, we should hear from as many people as we can, within the limitations, as is possible. So I would support that.

The Chair: Any further discussion?

Mr Shea: I have no difficulty with it if it's kept within the 10 minutes. Some of the members obviously have made arrangements now based upon the schedule, and I don't want it to be taken as a precedent. If I get up to Thunder Bay tomorrow and I find I've got other people suddenly popping in — that's not what your intent was at any rate.

Mr Gravelle: Absolutely not.

The Chair: Do we have unanimous consent? Yes.

1150

LORI NASH

The Chair: Ms Nash, would you please come forward. Good morning and welcome to the committee.

Ms Lori Nash: First of all, thank you very much for allowing me this opportunity. Due to personal matters, I was unable to get my application in in time to speak.

My name is Lori Nash. I've lived in Cumberland township for 27 years. I was a member of the Cumberland

Township Public Library board for one complete term and another half-term, at which point I left. I am presently involved in Friends of the Library for Cumberland Township Public Library. Our library board is not making a presentation and I am not representing either the Cumberland public library itself nor am I representing the Friends of the Library. I'm representing what I think are the interests of the general public in Cumberland township.

To give you a brief overview of our library, our library actually started from a bookmobile at a cost of about \$1 in 1978. As some of you may or may not know, Cumberland has been a very fast-growing community, and during the period from 1981 to 1985, I believe it was the second-fastest-growing community in Canada. Growth continues in Cumberland. We are adjacent to the city of Gloucester and there have been many talks about things municipal to do with amalgamation that may or may not impact on library services.

Our library started out of a bookmobile, and it wasn't until 1981 that, through an agreement with the Carleton Board of Education, a small facility was made available in conjunction with that school board for us to provide library services to people after school hours. The library consisted of books from both the school and from the public library. At that time, based on the massive growth of the population, it was evident that the number of books and the services that were being provided did not come near the minimum what would be considered reasonable expectations of any public library.

In 1986 and 1987 a company called Beckman was hired to do a needs assessment study based on the projection of growth in the municipality and its existing situation and what would be needed to provide a minimal service to the public. At that time in 1986, with the population that was there at that time, it was recommended that the collection of books should be 75,000 volumes, we should have a staff of 18 and we should have a facility of about 18,000 square feet. In actual fact council negotiated with the Carleton board again and produced instead for us, despite the recommendations of a needs assessment study and despite negotiations with the library board, a facility of 7,000 square feet.

Today, in 1997, Cumberland township has a population of 46,500 people. We have less than one book per person. We don't even have one book per person. The comments that have been made by our municipal leaders when it comes time for election and this becomes an election issue are really quite amazing, because there are a lot of people, there is a lot of hoopla going on in terms of this new support that we're going to get that never comes to be. But that's not surprising when we find that we get comments from members of council such as: "Why would we need more than one book per person? Not everybody reads," and "We need computers, not books, to prepare for the future." While our research has shown that in Cumberland township 80% of the households own home computers, we have one of the lowest number of books per capita in the province.

Not only do we just have one book per person but our demographics are very complex. We are a municipality that is divided between a large population that lives in the

urban area on a small piece of land, and we have a rural population that is very vast in terms of the population. The urban population represents about 10% or 15% of the total geographical area. In addition to that, we are a bilingual community — 33% of our people are francophone — so we are providing both French services and English services through the library. We are providing services to both the urban and the rural area. This creates quite a complexity in terms of providing services.

Although we have less than one book per person, we also have to take into consideration that if you were an anglophone or a francophone, the percentage of books that you have for yourself based on your linguistic needs is even smaller. Usually bilingual libraries or francophone libraries in fact have about six or more volumes per capita. As I said, we have less than one.

I am seriously concerned that the province would put total control in the hands of the municipality. If you have a municipal council that is supportive of library services, and library services are a significant part of what they consider to be a priority, all works well and there is a good relationship.

There's no doubt that members of the board are appointed by council, and in that respect and also the fact that the municipality has control over the money spent by the library — it has line-by-line control of each expenditure — this provides a great deal of control already in the hands of the municipality. Only if the province is in control to some extent, even if it's in the means of providing a small amount of funding, can we be assured that, each time the council changes or should the council remain the same, a priority as basic as books and services will be made a priority of each municipality. I don't think governance should be totally in the control of the municipality because of that, and for this, I fear for my community.

The Chair: Ms Nash, you have used the 10 minutes allotted. I want to thank you very much for coming in and making your presentation to the committee today.

We're now in recess until 1:30.

The committee recessed from 1158 to 1332.

The Chair: Good afternoon, ladies and gentlemen. Welcome back to the standing committee on general government. I understand a couple of members actually went out during lunch hour to visit a library. Congratulations on your energy.

WOMEN TEACHERS' ASSOCIATION OF OTTAWA

The Chair: Would Padmini Dawson please come forward. Welcome to the committee. At the beginning of your presentation, I'd appreciate it if you'd just introduce yourselves for the benefit of the committee members.

Mrs Padmini Dawson: I'm Padmini Dawson. I'm here on behalf of the Women Teachers' Association of Ottawa. Next to me is Pat Thurlow, a retired teacher librarian who is here to support us, of course. Last but not the least is Geoff Sheppard, president-elect of OPSTF and the chief negotiator for our collective bargaining, who will be speaking on behalf of the children also.

The Women Teachers' Association of Ottawa has a few major concerns regarding Bill 109's impact on children, women, equity and democracy.

Bill 109 is an act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level. It will accomplish this by taking away provincial funding of \$24 million by 1998, thus compelling the local governments to charge user fees for all services except for printed materials and of course the entrance to the public building.

The act states that municipalities will have the full authority to provide an effectively managed library service at the local level. Our local governments are already burdened with the responsibilities of child care, senior care, ambulance services, road services, and the list goes on and on. With this extra responsibility added to this long list, one has to wonder how far down the list libraries will rank. As well, with reduced funding, how will the management of the libraries remain at an effective level?

When local governments are overloaded with hundreds of responsibilities, they are forced to prioritize. This frequently results in limited resources being available for cultural and educational priorities.

The so-called new framework of public libraries is to redefine the provincial role in the public library system. How many of our Ontario citizens understand the difference between a regulation and a piece of legislation? When you start playing with the terminology by taking it out of the legislative or public process and slide it in the regulatory or more hidden process, fewer opportunities exist for public scrutiny, discussion, reaction and input.

This means that regulations can be changed by a decision of the provincial cabinet. There is no requirement that anybody else be notified of any change, and no public input is necessary. The public will be informed after the changes take place, after the decision has been taken. This is not the same level of protection as exists in present legislation, an important point to remember for democracy's sake.

I am not a politician by any means. I am a concerned citizen and a teacher. I am here on behalf of the teachers, but especially on behalf of our students.

Now let me give you a little background of some of our schools and the students we serve so that you understand why we are particularly concerned about the upcoming changes to the public library system. Libraries are critical resources both in schools and in communities. The role of our school libraries has been reduced significantly by cuts in education. Now Bill 109 is going to significantly cut library services within the community.

With current budget cuts in the Ottawa Board of Education, the school librarian teachers have already been replaced by librarian technicians. This means library classes can only be held when a teacher is available to supervise. Small groups can no longer be sent for instruction or to work on projects since technicians cannot assume the responsibility of a teacher.

Most of the Ottawa Board of Education schools do not have full-time library staff. This change has already impacted very negatively on school programs at every level. This change has had a particularly negative effect

in schools termed Focus on Future schools, which are inner-city schools where the students come not only from different nationalities but also from different socioeconomic backgrounds.

The Focus on Future schools begin their day serving breakfast to these students. For many of these children this may be the only balanced, nutritious meal of the day. These schools raise snowsuit funds and the Shepherds of Good Hope visit these schools frequently, providing clothing.

This is a depiction of a deprived, disadvantaged society, and this is indeed a significant element of the present school system in Ontario. These young people are deprived of many things. Let us not deprive them of their imagination. In the words of Ambrose Bierce, the first three essentials of literary art are imagination, imagination, imagination.

Today, public libraries are an important, even essential part of the educational system and provide critical opportunities for these children as well as the more advantaged students in our schools. At the public libraries children can meet authors, attend literary workshops, view innovative film, video and live presentations, participate in regular young reader and young author sessions and interact with a wide variety of positive role models. As educators we must be concerned about any changes that threaten the availability of public library services to our children.

Another important point in this vein is that the new system under Bill 109 does not require that there be public and separate school board representation on the new library boards. Thus the automatic communication link which now exists through the present requirement of school board representation on the library board will no longer be assured. There will no longer be an automatic synchronization of library services. This seems like a retrograde step indeed, and cause for deep concern for all educators.

Also, as Women Teachers' Association of Ottawa members, we are concerned with the issue of job cuts. Typically, lack of funding results in staff cuts. Most of these public library jobs, full-time and part-time, are held by women, who will be greatly affected by Bill 109. It is ironic that the Prime Minister of Canada gives 75 opportunities to women and the Premier of Ontario takes an axe to the jobs dominated by women.

1340

We congratulate the Minister of Citizenship, Culture and Recreation for the steps taken to improve library services by networking, digitization and digital content development. However, user fees on these services will create a society of haves and have-nots. Remember our students who cannot afford to have decent meals and clothing, the bare essentials of life. How can they pay for these services? As well, university students are already burdened with escalating student loans, and these user fees will now add to their debts. Senior citizens on fixed incomes and with limited resources will also be significantly affected.

According to the act, "A board may charge fees for public library services in accordance with the Municipal Act and any regulations made under that act." No limit is

suggested or mandated in section 14. So what does that say? The fee could go up and up. What will be the limit? What will this do to those who are already disadvantaged? The concern is that if Bill 109 is not amended, it will contribute to create a two-tier society where students, seniors and women will become increasingly disadvantaged.

There are many unanswered questions. For example, how does Bill 109 improve our daily lives and lifelong learning? How will fewer dollars, and therefore significant cuts, provide the accountability and effective management that is required for a proper library system? How many people will be on the library board? What qualifications will be necessary? What level will salaries be? What will the hours be for libraries? What services will be mandated as essential?

Our suggestions to amend Bill 109: to make provision for free and equal access to all students, seniors and families on social assistance to the public library services; to ensure that school boards have representation on public library boards in order to facilitate the co-ordination of library services in the community; that meetings of library boards be public and that the public library boards include a majority of citizen participants from the local community to meet the needs of community diversity; lessen the impact of job loss to women, since this is the group most affected.

To conclude, I will quote Martin Luther King: "Injustice anywhere is a threat to justice everywhere." Let's be just to our children, our society, in order to have a better future. Thank you very much.

Mr Geoffrey Sheppard: Good afternoon, and thank you for the opportunity to talk to you on this Bill 109.

As Padmini has alluded to, we have lost our teacher librarians in the board and we are now being replaced by library technicians. A lot of things have come out of that, as Padmini has alluded to, with the fact that we are not allowed to send students down in small groups any more to do research. The librarians we had, and Pad is a prime example, used to work in conjunction with the teachers, and when they were doing projects together, when they were doing harmonizing of work within the classrooms, the teacher librarians were a very integral part of what was going on with that process. That has now been left out.

With the fact of the funding gone, what's going to be cut? A lot of areas are going to be cut, including the work with the school boards, as Padmini has alluded to. This we feel is going to be downloaded back down to the libraries as well, and we figure they aren't going to have the time. The librarians are well trained, but they're not the teacher-trained type and they don't know how to work with our teachers and work on various things as teacher librarians used to do.

We feel the libraries should continue to be funded by the provincial government for its share. If it's not, there's going to be a lot of stuff going on that we don't believe in.

The integral links between the school boards and the library will cease if they are not allowed to have representation on there, and we feel that's going to be a very regressive measure.

If that happens, they can make a decision of closing a local library. The boards will have no decision-making power in that. Now all of a sudden we know what's going to happen: It's going to be those libraries right now that do not have all the digitization, the CD-ROMS, all of that automation that is going on, because not all libraries can afford that. Those are the ones that are going to be shut down because they can't afford to upgrade them, and those are usually the ones which are in communities which, as Padmini has alluded to, are in the Focus on Future areas. Those are the schools that need the extra help. We're not going to see that. It's going to be gone if Bill 109 goes through as is.

We feel that things such as the number of books in the library, the number of cassettes, the movies, the slide shows and the presentations that are allowed to be used, if you put user fees on them, you are going to be setting up a second tier of citizens in this province. We're going to be two classes, the haves and the have-nots. To us, that is not a reasonable way of dealing with things in this province.

If this board is allowed to cut these local libraries, it's going to affect those local schools. We feel it's going to be the ones in the areas where the local community is not able to stand up and fight because they don't have the skills, the wherewithal or the money, the backing, to do it, and we feel that's a major, major flaw.

The use of the facilities by teachers is going to be strained because of that, and we feel it's going to have a great impact on access to literacy and learning in a safe environment. Right now, the libraries are a safe environment for a lot of the students in some of these Focus on Future area schools and downtown core schools. They know it's a safe area to go into. They can get into these areas. Maybe it's because they're coming from abused home situations, maybe it's because their parents are in different situations, whatever. Maybe it's a senior who just needs to get out and be able to go to an area to access various items.

By locking this out and saying, "No, we have to close this down because of budget restraints," we feel that downloading is unnecessary. The downloading of the provincial share of library costs to municipalities makes a mockery of the public access, causing the knowledge-based economy to shrink as a two-class system is created in Ottawa.

As far as I'm concerned, "downloading" is a term which is only used with the Internet and e-mail. I have no concept of why you're using it in this process. To me, it's an Internet, e-mail type of thing. It's not public access to knowledge for the base of our children, the families and seniors. I think it's a terrible waste of time by cutting it back. Thank you.

Mr Young: Thank you for your presentation. I appreciate a number of the things that you're saying. At the lunch-hour Mr Flaherty and I went to visit the Rideau Street branch library, which serves some of the clientele you were talking about, apparently a very diverse group. It has a large children's section of books. They have about 150 classes a year visit the library and they also have reading programs after school. They're providing an extremely valuable and important service, and they're

partnering with the school boards in a number of ways, which is a very effective use of limited resources.

But I just found that your entire presentation is predicated on an assumption that local leaders, local elected officials, will slash library funding, which I don't subscribe to. I haven't seen any reason to subscribe to that and I don't think it will happen.

1350

You made a comment about cutting teachers in schools, and we are totally with you on that. School boards have not made the right decisions and that's why we're introducing Bill 104, The Fewer School Boards Act, to get rid of duplication and administration so that we can focus a higher percentage of the spending on education into the classroom and the library; there's a lot of teaching that goes on in the library.

With regard to jobs for women: I read in the paper the other day that Mr Snobelen is negotiating with your own unions to try and have an early retirement package so that we can bring in the 5,000 young graduates from faculties of education, many of whom of women, I suspect the majority, who are anxious and excited to get into the teaching profession.

There are a number of things we are doing to make the system better. I wanted you to know about that. I wanted you to understand that. I don't share your dreary outlook. I think there are a lot of positive things to look at.

Mrs Dawson: Thank you very much. I really appreciate what you are saying and I hope that's the way it is, but there are no rules. Nothing is established, and of course when you are giving the responsibility to the local governments and saying, just for an example that came to my head, "This is the road and the potholes have to be filled," the money is going to go there before it goes to the library funding. These are certain concerns we have as educators. Already the children are suffering and I think that it will be even more so.

The Chair: Thank you very much for coming forward and making your presentation today.

ANDREW CHRISTIE

The Chair: Would Major-General Andrew Christie please come forward. Good afternoon and welcome to the committee.

Major-General Andrew Christie: I have provided you with a statement or a brief that I don't intend to go through in detail, so hopefully we will have a considerable amount of time for questions.

I come before this committee representing myself, although I have the unanimous support of the Arnprior Public Library board for what I have submitted to you. They all agree with it.

I would like to share with you some ideas. I'd like to preface it by saying how important libraries are to me. I guess one would say that if one looked at the neighbourhood and home that I came from as a young boy, I would have been classified as being one of the very disadvantaged. Of the 12 boys who lived on the street, literally facing the railroad tracks, in London, Ontario, where I grew up, 11 of us have all been very, very successful in our careers and one is very content as a very good shoemaker.

A great deal of that success we all attained was due to the fact that we had an excellent public library nearby. It was a walk — it was eight blocks — but from the time that we started school until most of us went off to college, that library was deeply inundated in one corner, which was referred to as the Bathurst winkel, or corner, almost every day by that dirty dozen. I've had a passion for libraries since being a young boy and I attribute a great deal of the success I've attained to the availability of libraries and their collections.

I have some difficulties with Bill 109, although I think the intent was right, and there are requirements to amend the present legislation. Being a resident of a relatively small and rural community, I can see the problems that this bill, if it's enacted in its present form, will cause. In the town of Arnprior, which is about 6,800 people, over 30% of the population is over the age of 65. They are very heavy library users.

Very few of the young people coming through school, as they graduate, stay in the community. There aren't the job opportunities. There is not the opportunity to attain what they want in a community that size. Of those who remain in the community after their education, most of them commute to good jobs in Ottawa. The remainder are usually involved in family businesses. The library within that small community is a focal point that very much complements the excellent education facilities we have. We have a very high percentage of young people in that community who go on for post-secondary education and become good, taxpaying citizens.

I am concerned that the importance of small and rural libraries is not accepted in this legislation. It may be that we need to have two sets of standards, one that deals with the large urban area and a second that ensures the continued viability of small rural libraries, which are important to their communities.

The Premier of this province and the members of the House on numerous occasions have talked about the fact that the government of today is attempting to provide equal and equitable access in most areas to all Ontarians. With the legislation that's been tabled, I don't think that will occur in the library sector.

There is a requirement within the community, as councils are downsized and members assume more and more responsibility as we see a transfer of authority and responsibility from the provincial to the municipal level, to continue with the concept that unpaid volunteer citizens will continue to administer and form the decision-making body to support local library services.

I also think there is a real requirement that the conditional provincial grant is continued. The impact of the cuts in the last two budget years has been devastating on many small libraries. Many rural and small libraries in eastern Ontario in fact receive the provincial grant as their only means of financing their library operations.

We're relatively fortunate in Arnprior in that we have three municipalities that support the library. However, we've also been told by the municipal councils of all three municipalities that when the provincial conditional grant disappears, that money will disappear as well. It's unlikely that we will receive any more money from the municipalities than the municipal contributions to support

our library as we are finding in 1997. Over the past three years our budget has been cut by over a third: 40% cuts in provincial conditional grants and the remainder through municipal funding.

We've had a very good record in our community. We have had to cut hours by 10% last year as a direct result of the cuts to provincial funding and the drop in the municipal grants, but at the same time we've managed to maintain some reserves and not to have to touch the meagre trust funds we have, and to live off the interest of that money to provide the complete automation of the library. But at this point in time, for a second year in a row, we've had to defer access to the Internet because we can't afford the hardware.

This brings me to the subject of user fees. I'm glad that the initial rumour we heard that user fees would be charged on all items out of a library was in fact not adopted and that the provincial regulation allowed for free use of print materials.

However, as an individual who's been involved in the computer-based training field for the last three years, the head of a small company that deals with it, the Internet isn't the panacea for libraries but it does provide an extra resource. That information, like any information, no matter what media form it arrives in, if it comes through a library should be free to all users.

With that, I think I've said enough. I've covered the major points. There are a number of other points in the submission I have given you. I'd be prepared to try and answer any questions you have.

1400

Mr Martin: I want to say how impressed I am with the preparation you've obviously done to come here, and your knowledge and understanding of the library system and your courageous credit-giving to the library in your own community re your success in life.

Just a couple of things. In your very organized thoughts, you hit squarely the three major areas we've heard consistently over the last three days which are of concern to anybody who has an interest in libraries, who works with libraries, who understands libraries: the issue of governance; the issue of grants, particularly of concern to small rural libraries; and the issue of user fees.

The question I want to ask you is in the area of governance. I quickly went through your submission; it's lengthy and well put together. A question has been floating for the last few days here around the issue of councils taking over the running of libraries, a question of the commitment of elected representatives.

You suggest on page 5: "Based upon my six years' experience as a public library trustee, I have noted that municipal council representatives on the library board are often unable to participate fully in library board meetings and activities due to time constraints and priority conflicts. With the pressure on municipalities to reduce the size of councils, coincident with the assumption of expanded responsibilities, elected officials will have even less time to devote to public library trustee responsibilities."

Do you still stand by that? Is that a concern to you?

Major-General Christie: I not only stand by it, but the three municipal councils that contribute to the support

of our library all say they have no wish to govern the library. They want to find a solution that doesn't put them in the same constraints as the present Public Libraries Act of having to have so many people from various sectors. They would like to take from the community at large, but they would like to also have a representative on the board of the library to ensure that there is a communication channel on a day-to-day or a month-to-month basis between the board and the council without having to go through formal submissions.

Don't get me wrong. The three municipal councillors who sit on the library board in Arnprior are all very dedicated people and they bust their butt to get to library meetings. But so often, they're forced, because of other conflicting responsibilities, not to come. We always have at least one of the municipalities represented, but it is a time conflict and one that has to be resolved. I stand behind the point that volunteer citizens are the answer.

Mr Stewart: Thank you for your presentation. You just kind of answered my question. I was going to ask you how many of the local council and how many citizen representatives are on your board now.

Major-General Christie: The figure is three municipal councillors and six citizens from the three municipalities.

Mr Stewart: You made the comment that they certainly are not giving any indication that that would change. Do you believe that could happen?

Major-General Christie: We have three municipal councils whose terms end in November. We don't know what's happening with amalgamation; that's very much up in the air and a political bomb in our particular area at the moment, because the three municipalities can't agree among themselves whether they want to get married, live common-law or separate.

There is no indication that they would have the time to devote to libraries, and there is a real fear that if it was taken over by municipal councils, that lack of time would also see a drift of the library into oblivion. There is always the difficulty of ensuring that the library is properly funded; there, you end up with a conflict of interest.

Mr Stewart: One of the things under the new Who Does What program, when it's all put together — you're indeed right; it's downloading to the municipalities, as have the feds drastically downloaded to us in the province. The only difference is that we still have to pay them, whereas the municipalities are going to retain the money they have. They're going to have additional dollars to spend in local service than what they've had in the past, plus there's a \$1-billion fund that may be applicable to this.

A different type of funding will happen. We've found over the last couple of days some very innovative ways that some of the rural boards and some of the big boards have found to fund these programs. Certainly we're not pushing user fees. It's going to be an option the municipalities have if they wish to do it, which can be offset by additional funds they're now going to have, that are going to be retained —

Major-General Christie: Mr Stewart, sorry to interrupt you, but perhaps we're being misled slightly. Although you say that municipalities and library boards will have the authority to decide what user fees will be

charged, when budgeters sit down and start to look at how much money is going to be available, they also look at how much money can be earned. If the opportunity exists to charge for things, believe me, we'll be forced into doing it, perhaps not this year, maybe next year, but definitely the year after.

Mr Gravelle: Following up on that, is it not true that generally speaking, smaller municipalities and smaller libraries probably have less access to format material for user fees as well? There seems to be a stronger percentage of print material.

Major-General Christie: In our particular library, we're talking about somewhere in excess of 79,000 books — we haven't quite reached the 80,000 mark yet — and with a book budget that's been drastically slashed again this year, it represents only 50% of the recommended minimum level by the CLA. We have probably 2,000 to 2,500 other items available for circulation, but that doesn't also include what is available through electronic media.

Mr Gravelle: One point I want to get to, because we don't have much time, is that your presentation is reflecting an absolute — it's not even a common theme; it's just the truth that's being told by people who are representing small libraries in small municipalities. I think 75% of the libraries in this province fit into that category. It's very clear that in terms of funding, the provincial funding requirement is so much more crucial to the small municipalities and rural libraries — not to deny the importance of larger centres, but it seems a lot of the smaller ones really will have to close. It's becoming clear, I think to all members of the committee, that there needs to be some amendment or resolution by this committee that recognizes that fact.

1410

Mr Stewart has made reference twice now to the community reinvestment fund. If the minister was willing to make a formal commitment that a percentage of that would go to libraries, that would be interesting. There needs to be a recognition that some special consideration needs to be made for libraries like yours or else many of them will not be able to stay open. Is that not true?

Major-General Christie: I would agree with you wholeheartedly, but I don't particularly subscribe to your solution of using this —

Mr Gravelle: It's not my solution.

Major-General Christie: No, but the solution that's being thrown out — the reason is that this is not continual funding, and one of the things that small rural libraries need is long-term stability and the ability to plan: to plan to improve collections, to plan to improve access, to plan to meet the requirements of communities.

We're now entering what is commonly referred to as the fifth migration period, where people are moving from major urban areas to smaller towns 50, 60, 70 kilometres away from those urban areas, settling down and going back to the urban area to work. That is putting a tremendous pressure on small towns to meet the aspirations of those individuals. We need that type of person living in a small rural community to continue to generate new blood, because our young people are leaving because the employment opportunities are not there.

Mr Gravelle: There clearly needs to be some recognition of that.

The Chair: Thank you, Major-General Christie, for coming forward to make your presentation to the committee. We appreciate it.

Major-General Christie: Thank you very much. My wife said to me this morning before I left that she didn't want me to come because I've had a flu virus for the last two days. She said, "I hope you sit far enough away that you don't infect them all."

The Chair: You can assure her of that.

Major-General Christie: However, she also said that perhaps it would be a good idea if I infected you with the virus that gives me a passion for libraries. I hope we've achieved the latter and not the former. Thank you very much.

KANATA PUBLIC LIBRARY

The Chair: Would the representative from the Kanata Public Library board please come forward. Good afternoon, and welcome to the committee.

Mr Alf Gunter: Thank you very much for inviting us to appear before you this afternoon. I regret that the chairman of our board is out of town on business. He regrets that he cannot be here. My name is Alf Gunter. I'm a board member and also act as chair of the fund-raising committee. To my right is Yolaine Munter; Yolaine is another board member and she is chairman of our strategic planning committee. To my left is Linda Sherlow Lowdon, and Linda is our chief librarian and chief executive officer.

We have left copies of our brief with the clerk, so after you finish listening to me, you will have them available to take back and to study this evening. I also would like to give credit to the two ladies, who assisted me in the preparation of this brief.

The Kanata Public Library serves a growing community of 50,000 persons, of whom about 30,000 are holders of our library cards. We are fairly typical of a medium-sized public library, having two branches of about the same size with a total floor space of 19,000 square feet. Our collection is not extensive, but it is heavily used. Indeed, circulation has more than doubled in the past six years and has increased by 25% in 1996 alone. Our dedicated staff provide the Kanata community with one of the most efficiently operated medium-sized public library systems in the province.

Also, we are grateful to the city of Kanata for increasing our total budget in 1996 and 1997 at a time when the direct grants from the province have been reduced. In company with most library systems of our size, we are net borrowers of the Ontario interlibrary loan service. We currently provide full Internet services at one branch and Freenet services at the other.

The Kanata Public Library board consists of eight citizen appointees and one city councillor. Without exception, the current board members take their roles very seriously and are dedicated to improving the quality of library service in Kanata. Other members of the community give volunteer time to the library, primarily through the board's public relations committee. During the past two years, our fund-raising committee has sought

to develop partnerships with companies and organizations in the community with some success. In 1996 alone these partnerships, coupled with other initiatives by board members, have brought some \$20,000 to the library.

Our strategic planning committee recently conducted a survey completed by more than 1,500 Kanata residents which has given us a fine sense of the pulse of the community. Due to inventive thinking and extensive use of volunteers, this survey was sent to more than 10,000 homes, collected, analysed and reported at a cost of only \$300. As you will have observed, our board is very active and dedicated. Indeed, in total we provide about 2,000 hours of quality volunteer time to the Kanata Public Library each year.

We commend the government for its support of province-wide networking between libraries and other information systems. The government has clearly recognized the public library needs that are developing as a result of rapid changes in information technology. We must stress, however, that continued and increased support of the Southern Ontario Library Service is an essential ingredient if we are to achieve optimal benefits from these networking systems. This is of paramount importance to the many small and medium-sized library systems in Ontario, many of whom will have difficulty providing a viable service without this support.

We would be disappointed if the government were to further lower or to discontinue grants to municipalities for library services. This appears to be in contradiction of the policy of this government in the field of education, where considerable effort is being made to ensure that high standards are being maintained across the entire province.

Unfortunately there is a wide divergence of opinion among municipalities as to the priority that should be given to library services. In 1995, in Ottawa-Carleton region alone the per capita local support given to library systems varied by a ratio of greater than five to one, where local support is defined as the total funds received and generated, less provincial grants. Note that these figures were for the period before provincial grants were reduced, so each municipality had an incentive to provide a reasonable level of library services. If provincial grants are further reduced or eliminated, it appears certain that the gap between the more generously supported systems and those with meagre support will continue to widen.

We commend those aspects of the Local Control of Libraries Act which guarantee universal access to library services, including free admission, onsite use of all library materials, free borrowing of printed materials and all materials formatted to aid the disabled. However, as you are no doubt aware, some materials previously available in printed form are now being developed in electronic format. As this is a trend likely to continue in the future, if no changes were to be made to the act as currently drafted, much of the information presently contained in printed materials will become available primarily in electronic format and would become subject to user fees. This would be contrary to the principle of universality, the bedrock upon which public libraries have been founded.

We are confident that this is not the intent of the government in developing this act and urge you to work with our parent organization, the Ontario Library Associ-

ation, and with the Southern Ontario Library Service to develop a more complete definition of materials that may be borrowed without user fees. Please note that we do not object to fees for ancillary services such as photocopying, printing of materials etc.

As was mentioned earlier in our presentation, we consider that the citizen appointees on our library board, which is not atypical of boards throughout Ontario, contribute a great deal to the Kanata Public Library and at essentially no cost to the taxpayer. We raise funds to assist the library, promote the library in the community, listen to community concerns, keep up to date with trends that affect our library and make reasoned decisions on policy.

Volunteer boards have the time to devote to library work, and in general they are appointed because they have displayed a genuine appreciation of the role of the public library in the community.

Municipal councillors have many responsibilities, of which the public library may not be of prime consideration. They do, however, play a very useful role on library boards, sensitizing other board members to council concerns and sensitizing council to the needs and aspirations of the library.

Another advantage of independent library boards is that they act as a buffer between municipal council and specific interest groups in the community. One current example of a controversial issue that library boards deal with is the use of the Internet by children.

1420

The Local Control of Libraries Act, as currently drafted, will allow municipal councils the freedom to appoint library boards as they see fit. As we understand it, a library board could consist only of members of council or of city staff or a combination of these. This may work in a few communities, but in many others it will prove disastrous. To ensure the continued effectiveness of library boards, we recommend that they continue to consist of a majority of citizen appointees and that they have the same governance responsibilities as at present.

We must also consider the position of the chief librarian in the act, as currently proposed. If he or she is fortunate enough to report directly to the chief administrative officer of the municipality, his or her influence may be adequate to ensure that essential library needs are met. In many communities, however, the chief librarian will report to another staff person who may have only minimal interest in the public library. In this situation, it is unlikely that the library will receive the attention or the priority it deserves.

We accept that it may be desirable to make minor changes to library boards. As an example, the requirements for school board representatives would seem to be an unnecessary restriction. Also, municipal authorities may require more freedom in selecting the size of their boards.

Of all the concerns we have expressed with respect to the Local Control of Libraries Act, the issue of governance and library boards is paramount. Our concerns may be summarized as follows:

(1) Citizen-appointee library boards offer a great deal to the community. This free service will be lost to many

communities if the current version of the act is promulgated.

(2) Reducing the role of citizen appointees on library boards is likely to lead to a lowering in the quality of their decisions.

(3) Municipal council will be forced to involve themselves more in library matters, which will require considerable time and effort, and in all likelihood extra costs, if they are to adequately deal with matters that are currently the domain of library boards.

In summary we feel that: (1) provincial funding needs to be maintained; (2) universality of access is a right of all citizens, therefore free access to materials in all forms should be maintained; (3) the majority of board members should be citizen appointees and library boards should continue to act as governance bodies.

The present system has served Ontario well for several years. If it ain't broke, don't fix it. Thank you. We're pleased to accept questions.

Mr Flaherty: Thank you for the presentation. I suppose I might start where you ended, "If it ain't broke, don't fix it," because what ain't broke is a system that has developed in Ontario over 150 years or so of local libraries, run by local government, primarily funded by local government. That is the system in Ontario that you are applauding.

The role of the provincial government has been quite limited to relatively minor funding and the interlibrary loan service. Now we move forward into the virtual library and the provincial participation in that, which I think you would agree is an important aspect of access for people all around the province.

Indeed, at lunchtime today at the Rideau library of the Ottawa Public Library Mr Young and I had the benefit of seeing access being made through their system to the Library of Congress in Washington, DC, and to the University of Toronto library, and we could have gone to the University of Alberta and Trent University in Ontario and other places. These are wonderful developments.

But I go back to this, I suppose, and let me ask you about Kanata as a medium-sized library. We heard on Monday at Queen's Park from the chairperson, for example, of the Huron County Library, which is a large agricultural county in Ontario, that they had a good working relationship with their council. He didn't see the makeup of the board changing very much as a result of this act — this is Mr Cunningham — and that library cuts would happen, but they'd only happen in hard times and there would be more money in good times. That's been true for years and years in Huron county, apparently, and I imagine it's true all around Ontario. What sort of working relationship does your board have with the councillors in Kanata?

Mr Gunter: I think most of us are on a first-name basis with all the councillors and with the mayor. I don't presume to ask the mayor what she's going to do next, when she gets more freedom of action, because I'm not that close to her. I'm not quite certain. I believe with our present council, if they remained in, and with our present board our relationship is good enough that we would do reasonably well, but that doesn't necessarily hold in the future.

Mr Flaherty: But it seems to me —

The Chair: Mr Flaherty, sorry to cut you off. That's the end of your opportunity for questioning. Thank you.

Mr Robert Chiarelli: Thank you very much for your submission. I certainly appreciate your comments. I'm sure you're aware of the fact that your submission represents a very broad consensus in terms of the number of representations or the types of representations that have been submitted to date.

My question to you is very specific. I think on May 1 the government committee will be considering clause-by-clause analysis of this bill. That's a process whereby each section is called up and is either approved or amendments are moved and approved or defeated. Do you in your submission imply that this bill should just totally be withdrawn and we should back to the drawing board, "If it ain't broke, don't fix it," or do you think that through a series of specific amendments this bill might be fixed?

Mr Gunter: I might ask all three to answer this question. Personally, I think the bill is salvageable. I think there's enough good in there that we could end up with improvements. Do you want to answer that, Linda?

Ms Linda Sherlow Lowdon: I think I would agree with Mr Gunter. Amendments could greatly enhance this bill, just giving libraries some assurances. The gentleman before us spoke of the stable funding. I think that's very important. Libraries have to know. They cannot every year be at the whim of city council as to whether or not they're going to get a piece of the unconditional grant, so I think stable funding is very important. I think this bill could be fixed with some amendments that would give us some assurances.

Ms Yolaine Munter: I agree with my colleagues. We certainly need stable funding. The fact that citizen appointees are working so hard, that really helps because we're volunteers. We're donating time that the councillors wouldn't have. This is an advantage.

Mr Robert Chiarelli: You address a number of principles and you have a number of recommendations. Would you have the volunteer time or the professional time between now and May 1 to draft a series of specific amendments that you could make available to the three party caucuses so that someone might have the opportunity to move the amendments that you want, specifically to the bill, section by section?

I guess it's a request. I know it might be difficult for you to comply. I'm not asking for you to do the committee's work, but sometimes it can be very helpful and instructive to committee members to have specific amendments that are suggested by people who are working on the ground and they could be of assistance to us. Certainly if you could have that before May 1, it might be of some assistance to the people on the committee.

Mr Gunter: Mr Chiarelli, if that's a direct request of this committee, we will find the time.

Mr Robert Chiarelli: That's a personal request from our caucus, but certainly you're free to make them available to —

Mr Gunter: We probably will draft something before our next board meeting, which is about five days before you need the information, and have it approved then.

Mr Robert Chiarelli: Thank you.

The Chair: Mr Martin had to go out and make a phone call and I've given an extra bit of Mr Martin's time to Mr Chiarelli, so I'm going to go back to Mr Flaherty and give him the other minute to ask whatever question he had remaining.

Mr Flaherty: I'll go back to the subject we were chatting about a moment ago. What I was trying to get at in that discussion was the nature of local democracy, the tradition of libraries being run locally in this province, and my faith — and I hope it's not misplaced — in that system working. Particularly in smaller communities — and I come from a medium-sized community, Whitby, something like the size of Kanata, 50,000; we're a little more than that now — it seems to me that people feel relatively close to their library board and relatively close to their councillors and there seems to be a beneficial working relationship.

I heard the chair of the Ottawa Public Library say here today that when they asked citizens in Ottawa to rate the importance of services, the only service they rated ahead of the library was the fire service, which gives me faith that local politicians will be responsive to the demands placed on them in terms of priorities by the local citizens. Do you share that?

Mr Gunter: The Kanata library was in a state of neglect for about 10 years, from about 1981 to 1991, and this was a wealthy, growing community. These things can happen. What our community has told us in this survey is that they really value the library services, they think the staff are great, but they're complaining that we don't have nearly enough materials so they look to other library systems for those materials.

It varies a lot from one community to another and from one time to another, and that's my concern.

The Chair: I want to thank you all for coming forward and making your presentation to the committee.

1430

ALLAN HIGDON
BARBARA CLUBB

The Chair: Would Allan Higdon please come forward. Welcome to the committee. You have 20 minutes to make a presentation.

Mr Allan Higdon: Thank you very much. With me is Barbara Clubb, the chief librarian of the city of Ottawa. My name is Allan Higdon. I'm a councillor here in Ottawa for the Alta Vista-Canterbury ward.

I'd like to make just a few brief comments and leave lots of time for questions. I usually find that's most useful for delegations.

First of all, I'd like to thank you for the opportunity to appear before you to discuss this important piece of legislation. I must stress, it is important to those of us who value literacy, learning and the benefits of a civil society. Think of the polling results which repeatedly tell us of the declining respect which Canadians hold for public institutions and authority figures. In the midst of all this cynicism, our public libraries retain widespread respect because they represent the closest thing we have to totally democratic access to learning.

I'm speaking to you today as a private individual, because I'm grateful for the contribution which the public

library system has made and continues to make to my life and the life of my family. My family emigrated from Ireland to Canada because this country offered social mobility and equality of opportunity. However, there can be no equality for our citizens if the basic tools of self-improvement are not freely available. That's why public libraries are so essential to social harmony and comprise one of the fundamental cornerstones of any informed, democratic society.

The Honourable Marilyn Mushinski outlined the reasoning for this legislation we're discussing here today in her remarks to the House, the Legislative Assembly, on February 26. She stated that this initiative flows from the Who Does What panel, which attempted to simplify the relationship between provincial and municipal governments.

In the case of libraries, that meant that Ontario's municipalities, which currently provide 80% of library funding, should have greater control over the operation of library boards, and I agree. There is no purpose served by the province continuing to legislate the composition, qualifications, duties, size and reporting procedures of library boards. Local taxpayers — that is to say, local users of library services — should run the system in concert with their locally elected representatives.

I am particularly gratified to note that the legislation expressly states that no fees or charges can be imposed for membership in a public library system, the use of collections in a library or for borrowing books or other printed material. That is the heart of every library's traditional mandate. You have preserved it and declared it sacrosanct. Thank you.

That's enough good news. Now to touch on the concerns.

The minister noted in her second reading remarks that the removal of educational costs from the property tax bill would free up funds to finance local services "such as libraries." I would like to share her optimism, but I strongly suspect that the tax room left by the migration of educational costs to the province is already overburdened, overbooked and vastly oversubscribed. I would be delighted if the minister were to prove me wrong, but I'm sceptical that the funding pool for libraries will be any larger than it is under the current arrangement.

The minister also stated that provincial resources will continue to be directed at the network connecting Ontario's libraries. The importance of services such as the interlibrary loan system cannot be overstated. Talk about cost-effective: One book can be read all over the province. However, I would very much like the extent and duration of this funding commitment to be clearly spelled out so that libraries are not left hanging after the next round of budget cuts. Certainly my greatest area of concern is the announcement that the provincial contribution to the operational funding of libraries will be phased out.

Two years ago the Ottawa library board received \$1 million from the province as part of its annual operating costs of \$14 million. That \$1 million is now down to \$600,000 and is slated to disappear entirely. Either we must find new ways to generate money out of the library system or we will be forced to downgrade an already degraded system.

Many information systems have now been developed that are in an electronic format. Within the next decade the majority of titles in our libraries may be in a wide variety of non-print retrieval systems. If we begin to charge fees for these new services, what will become of our commitment to equality of access to material? What choice will be left to the library board but to charge for different levels of service? How broadly should we define the core level of free service?

As a municipal councillor, I realize that money is tight everywhere, but I also firmly believe that residents are very concerned that the fundamental values of our community must not be compromised beyond the point of no repair. People will pay a little more if they are convinced they are getting value for service. Our public library system deserves adequate funding.

If we turn our public library system, our doorway to learning, into an impoverished shell, we will pay the price many times over. Next week I'll be going before city council seeking approval for a small expansion of a library branch in an area of my ward which has experienced a huge growth of new Canadians in the last decade. These residents are very frequent patrons of this cramped and overcrowded facility. I hate to think of the lost human potential our country would suffer if we were to close the door to self-improvement through our lack of foresight. If the current trend in library funding continues, it is possible that such facilities will not be feasible in the future.

In order to ensure continued, consistent and adequate funding for our public libraries, I support the recommendation put forward by the Ontario Library Trustees' Association; that is, that the provincial government continue the per household grants to library boards as a means of funding library resources which can be shared across municipal boundaries and as a mechanism whereby compliance with province-wide sharing protocols can be enforced.

I look forward to the minister's consideration of the recommendations which come from these hearings. Thank you very much.

Mr Robert Chiarelli: Thank you very much, Allan, for your insightful comments and your interest in this issue. To be clear, did I understand you correctly when you said that you didn't think the so-called disentanglement and readjustment of education tax base funding etc was going to be an equal saw-off between the municipalities and the province, that in fact there will not be the extra funding at the local level to make up for the withdrawal of the province from the funding of libraries?

Mr Higdon: I think the temptation is there to pass off services that cost more or in which costs are escalating. It's such a vast proposal, as we all know. The numbers haven't shaken out yet. It's going to take maybe three or four years before we figure out just who is the beneficiary. But if I were running a senior level of government, you can bet I'd be trying to pass the losers down to the next level of government. That's the way it works. We're seeing that from the federal government down to the provincial government. I would like to think there would be a little money left, but I strongly suspect we're going to be on the short end of the stick and we're going to

have to negotiate, and they are going to have to be very difficult negotiations to make sure we're treated equitably.

1440

Mr Robert Chiarelli: In your opinion, with the experience you have on Ottawa city council, what would be the inclination in terms of priorities of funding? Where would libraries come if it was determined that there are fewer resources available for a number of things? Where would the libraries come in, competing with recreation, parks?

Mr Higdon: When we did a survey before we set up the budget — there were remarks earlier. Yes, it's true that the support for the public library only follows that of the fire department. But what people particularly want from us at the city are first the basic services, the cleaning and safety things like snow removal, sidewalk maintenance, that sort of thing. You'd have to put that first, the bread-and-butter issues, issues that might lead to legal liability if you didn't provide an adequate level of service. You've got to deal with that first, and then you start to look at the community centres. Recreational facilities for kids rank very high, and then the libraries are right there. They're somewhat down the totem pole but they are very high in the public estimation of what they look for in terms of delivery of services.

Mr Robert Chiarelli: Dave Daubney was here this morning and made a submission on behalf of the Ottawa Public Library. He indicated that there were several areas of the city which are very much underserved. I think he mentioned the southeast area and some areas to the west. Are you aware of that, first; and second, do you think that any catch-up would be possible if there is a withdrawal of provincial funds which cannot be met? How would you propose catching up in those underserved areas?

Mr Higdon: There are areas that are certainly underserved: the growing suburban areas. In terms of catch-up, that's a pipe dream for us. We've got a \$600,000 settlement on employment equity to deal with out of next year's budget; that's out of existing money. Just trying to keep the roof patched, trying to keep the collections up and keep the carpets from being so torn that people don't trip over them and break their neck are really the priorities, keeping the existing branches open. One of the problems I've got — my little branch expansion is \$200,000. That comes out of existing resources.

Mr Martin: I apologize that I wasn't here when you started, but I came in when you told us you were an immigrant from Ireland. That of course piqued my interest, because I am too.

Mr Higdon: God love you. You notice I didn't even ask what part of Ireland. That was big of me.

Mr Martin: Yes. God love you too. My father came to Canada in 1960 with seven of us, not for himself — he came to work in the mines — but for us, because he wanted a future for us. Certainly the library played a big role in my life, because we had no place to study at home. I was the oldest in a family of seven. We had a living room and a kitchen and, for a time, two bedrooms, so it was pretty crowded. The library was an important space.

You're a councillor?

Mr Higdon: That's right.

Mr Martin: I want to ask you about an issue that came up outside of this room at lunchtime that you might be able to shed some light on, because it's all connected here, it seems. This is about money more than anything. As to the question of development charges and the portion that is legislated to be given to libraries, how is that dealt with in your jurisdiction? Is that gone now? Has that been removed?

Mr Higdon: Development charges have been removed in the city of Ottawa for five years.

Mr Martin: Was that significant, in your experience with the council and with the library board?

Mr Higdon: We were getting so little money from the development charges because the economy was in the pits that it really wasn't worth it. You're saying the impact on the library?

Ms Barbara Clubb: We stopped that; we got no more.

Mr Higdon: You got \$200,000 out of —

Ms Clubb: The reserve.

Mr Higdon: Yes, in the reserve out of the development charges. We cancelled the development charges for five years because we felt it was more important to create jobs and gain money that way than through the direct charges. We were making very little money from the charges. There was nothing happening in town.

Mr Martin: This was raised by somebody who had an interest in libraries who was asking some questions about how that was being flowed or not flowed in some jurisdictions, or not being accessed, for very legitimate reasons, by your council. Anyway, it's gone. It's another example of a decision made that impacts in one instance — and because we're here, we'll talk about it — the library system, money gone out of the library system.

You talked about the need to continue to have money in the central pot to make sure that central library services are retained. That's fine if you have a downlink for the new technologies and if you actually have libraries to take the books. You would ask that there be some commitment of money and some time duration put in there. Would you want to expand that in some way to include some of this other stuff? How would we cover that? I have a concern about that a library in, say, Hornepayne that wants to plug into this new Network 2000 that was presented to us a few days ago; not much point if they don't have the downlink for that.

Mr Higdon: That's right, you'd need that across the system. But I think you could probably get more bang for your buck if you had a central investment than trying to have all these separate systems. It's very important that the systems are compatible. You need a protocol that everybody can tap into, and for that you need some centrally directed funding, otherwise you're going to have these little information islands all over the place.

The Chair: The next Irishman on the docket is Mr Shea.

Mr Shea: I'm delegating to the English.

Mrs Munro: Thank you very much. We've heard a number of pairs of delegations, if you like, representing both individual library boards and councillors, the city,

the municipality. We've also heard some excellent examples of the innovation and the ways by which those two groups working together have been able to look at various methods of joint venture, various methods of administration, tailoring administration costs and so forth. I just wondered if you see opportunities there yourself, if in fact those have already been done in Ottawa or if you see more opportunities in that direction.

Mr Higdon: We have a very close relationship with our library board and it's a good one. For instance, some of the councillors have done fund-raising — the councillor for our new St Laurent branch, which was built as part of a community centre. This is how we tied it in. We have one councillor on our council who is always advocating tying in school libraries to public libraries so that there's one facility. I think the old world of schools had to be separate.

Let's get unicity public facilities and have a firehall tacked on the back of it. Why not? This is the kind of innovative thinking we want to get into with our fire stations as well. Our fire chief is saying: "We're not just fire stations. There should be polling places for elections, we can maybe have a little branch here for some books, all that kind of stuff."

We've been incredibly slack in the way we've used the public resources out there. Also with the library system: We had old trucks, old vehicles, vans. We made them available to the library system so it was able to get six vans for the price of one. They bought the used vans off us, that kind of thing. As I mentioned, the St Laurent facility is what we would like to do in the way of the future: build schools, community centres, libraries at one facility. You're sharing all the fixed costs and everybody wins from that.

Mrs Munro: I guess that's really what's behind the Crombie recommendation when he refers to the fact that municipalities, which have traditionally had so much of this responsibility but obviously have been hampered up to now with certain aspects of legislative framework, need to be able to go further in the kinds of ideas you're proposing here.

Mr Higdon: This is the kind of freedom that I like in terms of the way the board's constituted, that this legislation allows to get into those kind of innovative areas. As I mentioned, it's nice to think that maybe we'll get some money with the education costs moving up to the province, but in fact there probably won't be any more money. We're going to have to be a lot more innovative in how we use what we've got.

The Chair: Thank you very much for coming in today and making your presentation to the committee.

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KILLALOE PUBLIC LIBRARY

The Chair: Would Robert Goldie please come forward. Good afternoon. Welcome to the committee.

Mr Robert Goldie: I'm a patron and supporter of the Killaloe Public Library. We have a short presentation that's strictly from the perspective of a very small library. Other libraries are in similar dilemmas, although we may possibly be the smallest library board to make a presentation at these hearings.

Small communities today find that their residents are stretched to the limit just keeping their volunteer organizations alive, so a trip to the city is a bit difficult sometimes. There is also the perception that we are too small for anyone to take notice of our concerns, which are different from those of the overwhelming majority. But please don't think that if we are the only library to describe our problem, we are the only library to be faced with it.

The village of Killaloe itself has a small population of just over 600. The service area takes in four other townships with populations totalling 3,842 and with slightly larger libraries in two neighbouring villages, each about 30 minutes away from ours and in opposite directions. We are located in a county with one of the lowest literacy rates in Canada and with a correspondingly high unemployment rate. It is an area that desperately needs easy access to library service, that has few tax dollars to pay for it and that has a population that does not universally recognize the importance of libraries and literacy in the new economy. It is a mix that could spell disaster for our small library and for the future of our community.

People in our community don't expect the same kind of library service that would be considered appropriate in larger communities. Our reference collection cannot be up to date, we have an old-fashioned card catalogue, we're open only four afternoons a week and our librarian can't buy the latest bestsellers because, with an annual budget for books of between \$3,000 and \$4,000, she usually has to wait until the books are available at a lower price.

What we do have is a small but good selection of books, and we have access to the wider world of reading and information thanks to the provincial interlibrary loan system. We accept the limitations of our library when we choose to live in a rural area, just as we accept the lack of sewers, garbage collection and public transit. We don't need a state-of-the-art library; we just need a library, period.

From our perspective, the Who Does What municipal administration subpanel's statement that "municipalities now fund the major proportion of library costs" did not reflect reality. It may be statistically accurate, but there are many small libraries in the province that rely on provincial funds and on community fund-raising for the bulk of their operating budgets.

In our case, municipal support, not in actual dollars but in value given as free rent and utilities, amounts to 30% of our budget. Provincial library grants amount to 33% and other provincial grants provide 18%. Our library also depends on the efforts of many volunteers and donations of dollars, books and equipment by generous citizens.

We aren't talking about a lot of money. Our library's annual budget has hovered for several years around the \$20,000 mark. It's not a huge amount, but it is the minimum required in order to keep the library in the community. While our own village council has provided the library's physical space, there have been no additional dollars from municipal taxes. The four contracting municipalities have traditionally relied on the provincial grant for all of their library funding. In recent discussions with them regarding the imminent withdrawal of provin-

cial funding, they have expressed a general desire, but not a commitment, to keep the library alive. They have stated that our future depends on what is left of their budgets after other expenses.

With all other mandatory programs being shifted to the financially burdened small municipalities, libraries, if not legally mandated, are going to the bottom of the list. At the same time, municipalities are attempting to keep property taxes as low as possible.

In comparison with the impact of the changes in so-called essential services, libraries are barely being mentioned by the media. Under the proposed amendments, many rural libraries will close their doors permanently. There will be no library service in communities where it is needed most urgently unless that service is mandated. With no tradition of municipal support, the last year of provincial support may be the last year of the library.

In the existing arrangement of small municipalities, because of low populations, council members are often put in place not by election but by acclamation. Library supporters are not always interested in being on council, and a particular reeve and council may decide that the library service is not necessary. We are accustomed to riding out their terms of office and waiting for a more supportive council to swing the pendulum in the other direction. The reverse situation also holds true: We know that the assistance provided by a pro-library council may not necessarily remain in place when a new council takes over.

We have until now had the ministry per household operating grant and the support of the Southern Ontario Library Service, SOLS, behind us to weather the political ups and downs at the municipal level. Without this provincial backup and being entirely dependent on the municipalities, some small libraries may not be around to rebuild when the new council takes office and wants to get behind the local library again.

We had hoped that the current municipal restructuring process would solve some of these problems. With larger municipalities, there would be more interest in local elections and the wishes of any small group that doesn't wish to support a library service would not have as much weight. Unfortunately, amalgamation discussions have stalled in our municipalities and they have decided to go their own separate ways for the time being.

We are a two-and-a-half hour drive from Ottawa, but our amenities are few. We have no public transit, so we can't hop on a bus to visit a library. The neighbouring villages, 25 kilometres in either direction, are accessible only to those residents with cars, and even then it is too long a trip to make on a regular basis.

The majority of homes in our community do not have computers. Many homes do not even have books around. Our children sometimes move to the cities to find work, and we would like them to arrive there with all of the advantages of their city-educated peers. A thriving public library network is probably more vital to them than to anyone else. If it is left up to the diminishing finances of rural municipalities, with a growing list of new demands being made on them, we fear that our young people will be left in the dust.

While other libraries have the luxury of worrying about fees for non-print materials, our concerns are with

survival. The end of provincial operating grants spells disaster for us. We need library services to be mandated and our municipalities need financial backup in order to comply. Thank you.

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Mr Martin: Thank you very much. I really appreciate your taking the time to prepare and to come here today. We've heard on a number of occasions from organizations that represent you and speak your voice at this table, but I don't think we've heard until now from somebody who actually is trying to keep a very small community library together, and I don't think we've heard, in quite the same terms that you've presented it, the fragility of your operation.

You mentioned a number of things, but flowing through it all I sense it's a question of finances, a question of money, a question of where you get it and how you get it, and if you're going to do anything with a future-oriented approach, you need some commitment to some long-term funding.

Of the ways this piece of legislation presents a challenge to you, what would be the most fundamental or most important? If the government was going to pick something to do that would be most helpful to you, what would it be?

Mr Goldie: I would say it would be to make sure the municipalities had the ability to actually help finance us. At this point I've been to a municipal meeting in which this very thing was discussed, and there didn't seem to be any way my municipality was going to be able to free up any money to replace the provincial grants. There has to be some kind of guarantee. I don't know if there would be a cutoff point for a certain-sized library depending on how much their funding was or something along that line. There would have to be some kind of guidelines that would ensure their existence or there's going to be a pocket of people who will not have library service.

Mr Martin: What's the percentage now of contribution to your library by your municipality?

Mr Goldie: I would say it's less than 20%. I should say they provide the building and the utilities, so including that it's 30%, but with the other municipalities it's less than 20%.

Mr Stewart: Thank you very much for your presentation. A couple of questions: I was just informed that your municipality contracts with a couple of other or three other municipalities for library service.

Mr Goldie: That's right.

Mr Stewart: Do you have any schools in your area?

Mr Goldie: Yes.

Mr Stewart: Do they have libraries?

Mr Goldie: They have small libraries. Usually they're at the elementary level, so they don't have the same kind of libraries.

Mr Stewart: They go to high school, then, in Pembroke?

Mr Goldie: They go to high school in Barry's Bay.

Mr Stewart: Which has libraries.

Mr Goldie: Which has a library, yes.

Mr Stewart: Can you tell me why we do not have access to school libraries on a basis of Saturdays and evenings and so on? We've got a great resource here that

we're not using, that you've paid for and I've paid for, and we can't get near them. I had a call the other day: The kids in my area went to school nine days in the month of March. Those libraries were closed during that whole month. We couldn't have access to them.

We talk about partnerships. Wouldn't it be wise that we start to get a partnership going with these schools that you and I paid for, and couldn't that help some of the rural municipalities?

Mr Goldie: It could some, but in our case it wouldn't. It would be another case of driving half an hour —

Mr Stewart: I appreciate that.

Mr Goldie: — to the next community even to get to the high school. So those kids on a Saturday afternoon who wanted to study, to work on a term paper, only have one option right now and that's Killaloe library.

Mr Stewart: But maybe that will free up some money to allow —

Mr Goldie: Possibly, except how would they be staffed?

Mr Stewart: Staffed with volunteers, retirees. That's what's being done in a lot of the rural communities now. Parents, whatever. We don't have to have —

Mr Goldie: No, I agree; they need to be used more —

Mr Stewart: We've got such a mindset that you must be a certain type of person or you can't run a library or you can't give out a book to somebody. To me it's a resource that we have hidden, that we use a few days a week. We talk about your library and mine only being allowed to be open four or five hours a day, and we have this other resource that we can't get at. I think in my mind that maybe if we start to form those kinds of partnerships, that could help.

Mr Goldie: I know there is one consideration in that, and that is that as far as access during school hours is concerned, I know they're getting pretty tight about who comes into the schools, so you'd have to go through the office. It would be quite a bit of bother.

Mr Stewart: I appreciate that, but I maintain some of those are excuses, sir.

Mr Goldie: Perhaps, but that's the policy these days.

Mr Stewart: When the need is there and if we can't access it and it's going to help the kids and it's going to help all of us for that information, then I suggest we should be looking at things in an innovative way.

Mr Goldie: I can see using it a little bit more.

Mr Stewart: Killaloe, by the way, is a great community. I used to travel up that way, so it's an excellent —

Mr Goldie: It's a lovely spot.

Mr Robert Chiarelli: What's the population of Killaloe?

Mr Goldie: It's 600, slightly over.

Mr Robert Chiarelli: As you know, governments make policies and they are sort of broad-brush, cover the whole province. Sometimes they have to make exceptions in certain circumstances. For example, in terms of hospital closings, I understand there has been a freeze on closing small rural hospitals because there are special considerations.

You've painted a very particular special case of a small rural library. If I were a Tory backbencher having

heard what you have indicated, and if in fact that's the case across the board, I would want to go into my caucus and say, "Is there any way we can make an exception or an exemption for small libraries that get 20% or 30% municipal funding and probably won't have any more funding?"

How would you define a rural hospital as a separate class, a small rural hospital? If you wanted an exemption —

Mr Goldie: Library?

Mr Robert Chiarelli: Sorry, library. If you wanted to create an exemption, how would you define that exemption in terms of size, population?

Mr Goldie: I think probably the best way to define it would be in terms of accessibility. Especially in rural situations, you know, there are places you can get to in five minutes and there are places that take half an hour to get to, and whether you make that trip or not sometimes depends on how far away it is.

Mr Robert Chiarelli: I guess what I'm saying is one size doesn't fit all. You pass a bill and you say, "Well, it applies to all libraries," and clearly in the case of a population of 600, it doesn't apply and municipalities may not be able to respond. I think it might be useful and instructive if perhaps you and several other very small libraries might come up with some kind of a suggested exemption for small rural hospitals and submit it to representatives of the three caucuses so it could be considered in terms of amendments. It would at least be useful in the ensuing debate.

Mr Goldie: All right.

Mrs Munro: Mr Chiarelli, do you realize that's the second time you've referred to hospitals?

Mr Robert Chiarelli: Thank you for correcting me.

Mrs Munro: I just wanted to facilitate so there was no question about the problem here.

The Chair: Thank you very much for coming forward today and making your presentation to the committee.

CITY OF BROCKVILLE

The Chair: Would Mayor John Doran please come forward? Good afternoon, Mayor Doran. It's nice to see you today.

Mr John Doran: It was interesting to listen to the debate, and the whole debate about hospitals is certainly one that's near and dear to our hearts. Time doesn't allow us to deal with that.

I'd like to give you a little bit of perspective about the community I represent, the city of Brockville. Hopefully you've had an opportunity to visit it. We're a community of 21,000 people located on the banks of the St Lawrence River, approximately 60 miles from here.

The remarks I hope to share with you today are really my feelings and the feelings of some of my municipal colleagues, and we are taking what I would consider a regional approach to this perspective.

It's quite appropriate that we're here today, because last night at council we finalized our 1997 budget and we're starting planning for our 1998 budget. In looking at that budget, some interesting things come to mind, and looking back at libraries and how libraries fit into the

municipal matrix, particularly from a funding perspective, and having been a member of the library board a number of years ago, the thing that struck me the most about this whole legislation is that finally the control and some influence and some input into the governance of the library are going to be transferred to those that are paying for the majority of the cost. That's not to talk about the function of the library, the importance to the community; I really wanted to talk about the governance.

We at the municipal level are very quick to respond when we feel that we have been hard done by by the provincial level of government. I thought it was very important that I take the time this afternoon to drive the distance from Brockville to Ottawa to express what I think is the important part of this legislation. From our perspective — I think everyone who has appeared before you has dealt with their perspective in the environment in which they live, and I know you had a presentation earlier this morning from our own library board in our community. I think it's important to look at it in context. We fund \$440,000 to our library. When we look at 1998, we're looking at a decrease of approximately \$42,000 in provincial support that will be coming back to us. It's the only part of our budget, it's the only part of our boards and committees that we operate on that to this point we have had really no direct influence or control over.

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If we look at the evolution of a number of boards and committees throughout our municipality, we have an arts centre, we have a museum, we have different functions, and over a period of time, we have been able to integrate them with the vision and the direction of our municipality through management boards, through a closer liaison. That's not to say that we've had any problems in dealing with our library. We've had a very close, cooperative relationship. We have just done a major renovation to our library. We are well positioned to use that facility as a complete community resource for the next 10 to 15 years or even further.

But one of the things that we looked at when we went through our budget process — I thought this was particularly interesting — is what it costs us per use, per citizen, from a budget perspective to use some of our facilities within our community. Our library last year had 136,600 users. If we look at our municipal contribution of roughly \$440,000, we have a net cost per user of \$3.22. We now compare that to all the functions that we provide for our citizens, looking at what is our unit funding cost per utilization from our citizens. If you look at our arts centre, it's \$3.04; if you look at our transit system, it's \$1.74; we have Paratransit; we have an airport; we have a museum, which is one of our highest per cost; we even have a cemetery; and we equate that. It's hard to believe that the utilization of a cemetery may be a user cost, but of course it's a revenue item in our budget that we have to look at.

I think the important part of this legislation addresses a number of concerns. It addresses access to the facility, it addresses the funding of the facility and also the governance of the facility. I think those have been well covered by other presentations you have had before you this evening.

This is a positive opportunity from our community's perspective for the library to become part of the city structure. When I say that, and I had a debate with our librarian yesterday about whether this was a positive or a negative thing to happen, my position is it's positive because it helps them to buy into the vision of what our community is going to be about.

If we really look at the future vision and direction of what libraries may be in a community, of what they can be, how they can be a social gathering place within a community, it allows them to be part of the structure and the vision we have for our community, and it also dials in what we're going to do with our arenas, what we're going to do with our parks, what we're going to do with our cultural activities. It really brings them much closer to the direction of our community. There's no question that direction changes from time to time, and the change is based on the money that's available and the directions we are given from the provincial government. That government changes from time to time, and those directions change from time to time.

I have had the privilege of being part of the municipal scene in Brockville for 19 years, and we have worked with the Liberal government, the NDP government and the Conservative government. I think we clearly understand our role. At times we may not like the decisions that are made, but we're certainly prepared to deal with them and to handle them. I am before you today to reiterate my feeling that the governance issue is one that's workable. I think it can reflect the priorities of the community, and I think it's one whose time has come.

Mrs Munro: Thank you very much for coming here today and giving us your views, particularly appreciated because of the fact that it's very clear this issue is one that is of obvious concern to both municipalities and the library community. In performing our function, obviously it's important to have that balanced picture of comment coming from the two areas, so certainly for that reason I'm very pleased you were able to come and bring us your view.

When you began your comments, I was really struck by what I see as the emerging vision you speak of. Without a copy of your notes, I hope I'm not taking liberties, but it seems to me that what you're talking about is a very old idea in the sense of the citizen and the opportunity for the well-rounded citizen, and what is the role of municipal government in aiding and supporting the development of that individual. I guess the issue we come to in terms of how that plays out is really the opportunity that municipal governments are being given through this legislation.

I wondered if you might also wish to comment on the continuing role of the province in terms of providing a framework and an opportunity to be able to allow communities to be that point of access for information.

Mr Doran: I think the key role, as we see the evolution, and devolution, of powers and responsibilities between the two levels of government, is that we have to handle our affairs given the area in which we have responsibility, but clearly I see when we look at libraries a provincial responsibility to make sure there is that linking among libraries, that there is a very solid base

that any library anywhere can plug into, because I think we're going to see evolving over the next 10 to 15 years a different utilization of a library.

As I say, we just went through a major expansion and we have a fair amount of room in that library. Our vision that we're working on with the board is to make it really a gathering place for a number of reasons, to access information but also to socialize. If you look at our population, we have about 20% higher than the national norm of retired people, who are heavy users of that facility. But that facility has to be more than just a receptacle of books; it has to be an entrance point to a number of things, and those things have to be tied in from our local level. We can only do so much. You still need a provincial level to be able to access that information right across the province.

The Chair: There's still a minute remaining if anyone is interested.

Mr Shea: Oh, I'd be happy to have a go at that one.

The Chair: A minute is not a lot.

Mr Shea: Mr Mayor, I must tell you I'm pleased to hear your comments. While the opposition try to argue that this is an issue of nothing more than just financial downloading, your comments have given more reinforcement to the view the government is saying, that it is in fact a fundamental principle of democracy. It is who is responsible for what services and is the community able to clearly see who is responsible, to hold their feet to the coals. That seems to be what you're stating clearly as well.

You are directly elected. You carry accountability in your municipality for specific services. The provincial government is trying to make very, very clear that this is now in your jurisdiction and you stand accountable to your community. Does that trouble you at all?

Mr Doran: No, not at all. To react to your earlier comment, though, there's no question we would like to maintain the same level of provincial transfer payments that we've had in the past, as everybody would in every area, be it libraries, museums, whatever, but the fact remains that that's gradually shrinking, and with that, we need more input into the governance.

When you start talking about change, I think change can sometimes be frightening to a number of people, but it's really a different way of reflecting the priorities of the community. If we're putting the money into that facility and the management of that facility, there are some distinct advantages to having it as part of our structure, not only from the human resource side but also from the benefits side. There are a number of economies of scale to be gained from that. But in the past if we've looked at that, it's always sat out there, it's always been a provincial responsibility, even though it operated in our municipality.

Mr Gravelle: Good afternoon, Mayor Doran, and thank you very much for your presentation. I think your response is one that really is encouraging. There's no question that the fact is that it is your responsibility obviously, as the mayor and as part of the council, to look at the situation realistically and say, "Here's how we're going to deal with it," and obviously you're dealing with it in a very positive way. We have heard

that from others, and I think it has been encouraging. But I also heard you say just at the end, it would be nice to still maintain some provincial funding. In fact we probably could get up another discussion as to whether that is appropriate, because that is another one.

The question that has been coming up again and again, though, is whether municipalities can ultimately afford this. There is downloading to municipalities going on. There is an argument going on within this room whether or not it's going to be revenue-neutral. We believe indeed, and I know that the Association of Municipalities of Ontario believes, that there is about a \$1-billion gap in terms of services, that \$1-billion gap being thrown on municipalities. Have you been able to do an assessment in your community in terms of what that looks like? I appreciate we don't know the final story yet of what that does look like. Is it revenue-neutral in your community as best you can tell?

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Mr Doran: We're not sure how the application of the \$1-billion fund is going to be applied, but when we look at a direct hit to our community, we're looking at a net of \$5,700,000 before any application of any of the access to this community investment fund. But of that whole \$5 million, the smallest part of that is the library portion, which is the \$42,000, which we anticipate will not be there and it has been indicated that will not be there next year. But again, we've run our figures. We've looked at it. We know where the hits are coming from, but we don't know how it's going to be mitigated yet.

Mr Gravelle: It's clear that your community has a commitment to the libraries, and we have never really argued whether or not communities have a commitment. Every community has got different circumstances, as you certainly would know well, and in some cases it really is going to be a question of competing dollars. There are those who have told us that certain communities simply just won't maintain their commitment, certainly those in the smaller municipalities.

Then you get down to the whole point of what the proper level of funding is. We know that education is being taken over by the province and we know that public libraries are part of the educational process. It seems strange to be, on the one hand, saying, "We'll take responsibility for the educational system, but we're no longer going to have any involvement with the libraries in terms of an operational funding basis." Does that strike you as odd? It seems to me to be a contradictory sort of view. The ministers themselves make those links all the time in their speeches certainly, but it's part of lifelong learning, it's part of literacy. That has been, I guess, one of our points of conflict.

Mr Doran: Heaven forbid. I'd hate to say that anything the provincial government does is odd from time to time.

Mr Gravelle: You would know.

Mr Doran: When you look at the operation of libraries within that whole matrix of things that are happening, and happening very quickly at the municipal level, I think there has to be some flexibility and some seed money to allow things to evolve. As you suggest, we have to decide what the priorities are for our com-

munities and decide how those dollars are allocated. As the gentleman prior to me, who comes from a very small community, said, it's going to be very difficult to maintain the same level of service that he has from his library board compared to, say, our community.

One of the things that struck me, though, listening to the presentation: If you look at Brockville, which is 21,000, we have a catchment area of about 60,000, and within that catchment area I would suggest there are probably two to three small libraries that operate in isolation. To me, it would make sense that if we're going to combine these, there be some kind of a transition to allow one central administration to administer those in different ways. There's no sense to having three head librarians in those three locations when you can consolidate some of those facilities.

If you look at the utilization of our library, we're finding that we're getting more and more utilization for access to the Internet, for periodicals, for those kinds of materials. Our book budget we have been able to maintain at the same level. But I can only speak from our environment. Other communities are going to have a much more difficult time in dealing with this issue simply because of the economies of scale.

Mr Martin: I'm sitting here trying to imagine the conversation that you had yesterday with your librarian. If what you've shared with me is any indication of your position re the question of giving governance to those who are paying the majority of the cost and helping them buy into the vision of the community that you've developed, it smacks of a little bit of — this relationship between library boards and municipalities is a very special relationship that needs a lot of nurturing and work, I suspect.

It's not unlike, I would say, my relationship to my wife, who has chosen to stay at home with our four kids. I know what she would say to me if I came home one day and said to her: "I'm the boss around here because I'm paying the majority of the cost and I'm making the money. I want to help you buy into the vision of where we're going as a family." That would be the end of the conversation. If I didn't see her, who is most directly involved in the bringing up of the kids and a lot of the decisions around where our house is going, then I don't think we'd be going very far, to be honest with you.

Through the two or three days that we've been gathering here, there has been some back and forth over this relationship between the board and the municipality and who should have control over what and who has the better knowledge base, experience base and all of that kind of thing. This piece of legislation, it seems, and from what you've said here, shifts the control base clearly into the municipal realm. Do you think that's going to be healthy in terms of the long-term viability of the library? Also, is it going to contribute in a positive way to the ability of a library board to actually be excited and enthused about doing the work that they're charged to do?

Mr Doran: Again, I can only speak from the perspective of our community. I think it's a very positive experience. When I reflect back on our relationship, as you reflect back on your relationship with your wife, we've

had a very positive relationship. We've worked together to provide for the expansion. If we had not got that expansion completed in the last two or three years, we know that the economics of today would not allow that to happen.

But clearly, if we want to continue on and we have to go together, we need to really understand and come together when we start looking at planning in our community. There's much more to be gained by coming in closer with the city than there is to be staying out there in isolation because when you deal in isolation, there's always this fear of the unknown, and I don't really know what you do, but you come in here and you put this budget on my desk and I'm not spending that money when I've got other things to deal with.

Really what it does is integrate them a little bit more with long-range planning from the community perspective. It allows them to actually have their case, I think, better presented when it comes to budget dollars of saying, "If we only have so many dollars and we have to split them, how do we determine the priorities for our community?" In a lot of cases they're much more than dollars-and-cents issues. They're really kind of the community's perspective of what the community feels is important.

As a case in point in our community, in the last two or three years we've spent close to three quarters of a million dollars on the waterfront and that's an area that everybody can enjoy. We've done this major expansion to our library. We've done a major expansion to our museum. Those all add, I think, to the quality of life. But those come about from working together and not in isolation. If we simply went down our separate paths, there's no way that the library board on its own would have been able to fund, organize and design the expansion that they presently have.

The Chair: Thank you, Mayor Doran, for coming forward and making your presentation to the committee today. We appreciate it.

Mr Doran: Thank you very much for your time.

1530

CITY OF NEPEAN

The Chair: Would representatives from the city of Nepean please come forward. Good afternoon and welcome to the committee.

Mr Doug Collins: Thank you very much. Mr Chairman, ladies and gentlemen. My name is Doug Collins and I'm a city councillor in the city of Nepean. With me today is Rick Chiarelli, who is also a councillor there. While both of us are councillors for the city of Nepean, we both have been chairs of the Nepean Public Library board and are quite familiar with the public libraries. Thus, we are speaking as elected municipal officials and as individuals with considerable experience as trustees.

The city of Nepean and Nepean Public Library have had, we believe, a unique history from which useful information can be drawn concerning what factors constitute success for public libraries. Approximately 15 years ago, the Nepean Public Library was not in very good shape. There was significant tension and miscommunication between the council and the board. Two different

visions for library services were held with two different perspectives on funding and operations. Consequently, for many years the library had little success in acquiring operating and capital funding, and indeed the city was contemplating a private member's bill to terminate the library board and incorporate the library into the city structure.

Then came the new Public Libraries Act of 1984, which gave councils more control over public libraries. Nepean immediately took advantage of this opportunity. The mayor and three senior councillors were added to the library board, which also had five citizen representatives. When this happened, there were dire predictions — library services were going to suffer, control of the library would be wrestled away from the citizens etc — a lot of dire predictions. But what actually happened was that the library was revitalized. The operating budgets doubled. The new central library and an additional branch were built. Two existing branches were completely renovated. The best possible automated system was provided for the library. Library staff were evaluated and compensated as if they were city employees. Services improved dramatically.

Now, 15 years later, Nepean is well known for the quality and level of services it provides. Indeed, in a recent council survey, satisfaction with the library was higher than with any other city service. Only 1.5% of the population expressed any dissatisfaction with the library. Almost 50% gave the highest rating of "extremely satisfied" in this survey. Almost two thirds of the public are registered users of the Nepean Public Library. The fear that a closer relationship between board and council would be ruinous proved totally unfounded.

Now, in 1997, Nepean and its library have a unique and highly desirable relationship. Administrative functions have been almost totally integrated with those of the city in such areas as building maintenance, vehicle maintenance, automation, telephones, records management, human resource services, financial services and so on and so on. The library participates fully with the city in all new capital and renewal funding. The library has access to all relevant city reserve funds. The library works closely with the city on budget issues. The library staff work with city staff in many areas and have achieved an enviable reputation.

Such administrative integration with the city has resulted in many efficiencies and has stretched the library dollars. The result is a service whose excellence is recognized by users and the wider community. However, the administrative integration has in no way hampered the ability of the board to govern the library. Nepean has perhaps the most independent board in the country, I would venture to say. Council is so confident in the board's ability to operate an efficient, effective service that it accepts board decision-making without question. The board's requests for annual operating grants, as an example, rarely — and I say rarely — require more than 10 minutes of discussion at council budget meetings and have not been turned down or changed for over 10 years.

Councils and boards can work together effectively as a team to deliver the quality and level of library services that the public deserves.

Why have both councils and boards become involved in library governance? Because public libraries are hybrids. They are a mix of typical municipal recreation services, popular fiction, programming, educational services — support of formal education at all levels, continuing education — information services and cultural services. Councils need to be involved because they fund most of the service and because they are elected to govern the municipality.

However, public libraries are in a very real sense the universities of people. They provide informational, educational and cultural services to all segments and age groups. Important issues exist related to intellectual freedom. Public participation in library governance is vital. Therefore, it is very valid that both council and boards form a partnership for the purpose of governing public libraries.

Mr Rick Chiarelli: Good afternoon. My name is Rick Chiarelli. I am currently the chair of the Nepean Public Library board, but I'm not here in that capacity today. I'm here as acting mayor of the city of Nepean.

We believe that the partnerships Doug discussed are both possible and feasible throughout Ontario. It's important, though, because of the intellectual freedom issues involved, that public libraries remain as separate municipal structures. We do believe that. We think the close interrelationship we've been able to cultivate in Nepean, as Councillor Collins said earlier, has not in any way hampered the intellectual freedom of our boards. In fact, when handled correctly, it actually turns into a bonus for them.

Our city council and our board in partnership have gone through many of these recommendations; actually, in the end, all of them.

We believe there should be strong representation on boards from council. When you get strong council presence, you get the kind of trust and reliance that ultimately helps boards function and function properly. As a matter of fact, we believe there should be a minimum number of members of council on library boards. Right now, the number we look at is two for a board of nine and three for a board of 11. That kind of statement makes a positive statement to members of council in terms of how important libraries and the function of libraries ought to be. When it's successful, as it is in Nepean, you end up in a situation where people actually compete for positions on library boards as members of council, as opposed to it being kind of the consolation prize for members of other councils when they are looking for committees to be on.

We also believe that the chair of a library board should always be one of the council members. The reason for that — there's no great theory behind it — is just that in the past decade-plus in Nepean we've had that unwritten policy that the board adopted and it's worked extremely well. Having the chair and vice-chair coming from council develops a kind of trust between the council body and the board that would be difficult to grow any other way.

We look at concerns about governance of library boards. We've heard people say, "How independent can you be if your chair or your vice-chair is a council member?" Our board and our council have taken the position

that you shouldn't even be looking at the problem from that perspective. You should be looking at it from the perspective of service being provided to ratepayers.

When you look at it that way, there is no question that the service being provided to library patrons in Nepean is far greater and far better than it ever was before this system was adopted. The bottom line is that our regular usership at the library has increased to around 70% of the population of our city, which is extremely high.

When the city, for instance, did a survey recently to determine what services the public wanted to see funded at what levels, we discovered that the only service that the majority of the public was willing to pay a tax increase for in order to maintain funding levels was libraries, and that was over 80%.

That tells us that the hybrid solution that Councillor Collins was talking about produces the best result when you look at it from the perspective of library users. Our board has been extremely good at stepping back from the role as governors of the institution and looking at it from the role of the client. From the perspective of the client it's clearly the best thing that can happen. But again it's a two-way street, and we think there has to be a minimum number of councillors on a library board for this to work.

One of the reasons a minimum number of councillors helps is because it introduces some element of political accountability at the library board level. Members of the public obviously can vote or not vote for people who are on the library board, and while in our opinion they never should have the majority of the board, they nevertheless have significant influence on directing it. At the same time, by keeping them at less than a majority, there is the maintenance of an intellectual freedom component there. You won't have, for instance, members of council deciding that it's time to ban certain books.

1540

On the intellectual freedom issue, we had at our library board, we know, a number of books that other libraries were under a great deal of pressure not to carry. The Salman Rushdie book, the Madonna book — we had those things on reserve for months and months until the books finally disappeared. We were perhaps the only library that met all those requests. From the perspective of library clients, we think that indicates preservation of intellectual freedom.

We took the position with the minister that we should not change the fundamental principle of free public library service. My ward includes a large population of Somali refugees, and we undertook a project last year to try to get a number of these people just to come to the library. It took a lot of effort, and we finally got around 35 of them to come out to the library. If they had to pay \$10 for a library card, we'd be better off spending our time doing something else, because we would not get people to do that.

A minimum charge for library cards is something we were solidly against. I know from talking to people in Toronto that it's the easy solution from the point of view of a library administrator; it's easy to simply apply a charge for library cards. We think this legislation was smart to not take the easy way out on that one and to say,

"No, cards can't be charged for." Ten dollars is an issue for the very people you don't want it to be an issue for.

By not allowing a charge for print materials, you do guarantee that many basic library services are free. Our board has taken the position that this is a good thing. Despite the fact that we realize there's no rationale for selecting a particular medium over others, we think it does accomplish the goal.

If you're looking for suggestions in terms of fund-raising or independent revenue sources for library boards, as we mentioned to the minister, you might want to consider limiting the revenues libraries could raise through other sources to a percentage of the municipal grant. For example, if it were 15%, in the city of Nepean that would allow our library board to raise \$600,000. That would certainly be a challenge and it would also be a cap on expectations from politicians in our city.

In summary, our board unanimously supports the legislation. I know we were the first board in the province to do so; I'm not sure whether others have supported it this way. We met with the minister well before the legislation was in place and expressed our wishes that there be some way created for other boards to achieve the kind of municipal-board cooperation we have in Nepean that creates efficient service while at the same time protecting intellectual freedom and maintaining free access to basic library services. We think this does that, and for that reason our board, which has members from all three provincial political parties, was unanimous in supporting it. Thank you very much.

Mr Gravelle: Councillors Collins and Chiarelli, you both deserve credit in terms of the success of the Nepean public board. It's quite a story, and obviously there's a remarkable commitment from the whole community in terms of what you're doing.

I appreciate what you're saying, but I guess my confusion, if that's the word, is that you did this under the Public Libraries Act, 1984, under the present system. That is to be applauded, and to me, it says it can be done by others as well. In other words, you did it under the present governance model, you did it with majority citizen participation, although a member of council is the chair, and you recognize that there could be abuse. I heard that from your board trustees this morning. I don't think it's a question of abuse by municipal officials; it may be being forced into a corner and having to do it. Perhaps down the line there could be some legislative amendments to fix it.

It seems to me that if you did it under this system and you do have some concern about it, it makes sense to either put those legislative amendments in now or recognize that the system can work as it is. I asked the same question this morning and I'd like to ask you, because those things seem, maybe not contradictory, but confusing.

Mr Collins: I believe you're putting into legislation the things that will make the types of things we're doing work universally across the province. It will be more recognized that the way Nepean is doing business with council is something that other places in the province don't have to be concerned about, and it will move other library boards closer to that position; as you know, there

are not many library boards right now that are that close to that position.

Mr Martin: To follow up on that, your library board was in front of us this morning. They in many ways reflect the comments you made, but they also have some concerns about the bill. They talk about charging for access to the technologies, the other forms of information. You and they speak very highly of a board that has on it citizen participation, a majority in fact. You mention 2 to 9 and 3 to 11, and you've found a neat way of balancing that by having your councillor be the chair so there's not the sort of angst and tension that could possibly be there. I think that's good.

What I'm afraid of is tipping the balance of power. I've used over the last couple of days the example of Ignace, which under this legislation is looking at taking over a building that was built by the citizens in the last few years, in partnership with the provincial government, for a library — moving the books into the school, and turning that building into their municipal office. That's a bit of a power move that I don't think we'd want anybody to be doing unless there was a good, valid reason for it and it was mutually agreed on that this was in the best interests of everybody.

I guess what I'm afraid of is that this legislation will tip the scale, that instead of doing what you're suggesting it could and should do, which is to have boards and councils work cooperatively, it will turn this into an unhealthy relationship that will see municipalities doing some pretty draconian things that will not be in the interests of libraries and this good service they provide.

Mr Rick Chiarelli: There are a couple of things here. It's true that technically under the law you could do what we did in Nepean today. The problem is that it's not being done, and there's a point where you have to realize it's not being done. The reason it's not being done, we believe, is that you needed more than this law to make it happen. You needed an extraordinary mix of people on the board and an extraordinary mix of goodwill that came into the board at one time. All the planets had to be properly aligned for it to turn out that way. It could just as easily have turned into a fiasco at the beginning of that process.

We think there has to be something there that at least throws up a flag to tell municipal councils that there is a way to do this. The government has for a long time been talking about reducing duplication and through its municipal restructuring process that's kind of the obsession. But it seems to me, before you start reducing duplication outside cities, you should look within them. It does not make sense for a library board, for instance, to be running a payroll service when it can contract out for that either to the private sector or to the municipality at substantially reduced costs to the ratepayer.

1550

Mr Shea: In the spirit of Bill 26, picking up where you just left off, I assume then that you would find it offensive, if the government were to amend Bill 109, to tell municipal councils the size of boards they should have or to tell them the composition of the board.

Mr Rick Chiarelli: Our position isn't that we'd be offended by that. It depends on how it was done. If it

were to say there should be a minimum number of councils and councillors on the board and you can't have, for instance, council operating as a board, we wouldn't be —

Mr Shea: So your council doesn't really care if the government tells you how you'll structure the board. You don't want that authority yourself?

Mr Rick Chiarelli: We would like flexibility, but we would like a minimum to be placed on it that will protect intellectual freedom and that will also provide —

Mr Shea: I'll come back to that. You would like the council to have the authority to determine the nature of the board, the size of the board, its functions and so forth.

Mr Rick Chiarelli: Yes.

Mr Shea: Now, isn't it ironic that the opposition members speak about the Public Libraries Act of 1984 as though that has created a whole new world and created a shining star of a library system.

I have a quote that reads, "I have talked to librarians who have told me this is it for them, that if the minister wants to bring in a law that says municipal councils can determine line by line budgeting of the library boards, then let the municipal councils run the libraries and the municipalities and let us stop playing this game of pretending there is a useful role for library boards if the government is going to take all the decision-making away from them." That was Floyd Laughren in 1984.

Isn't it very curious that we go to 1984 and indeed that act is passed, and we find there are some difficulties that this government is now trying to correct and, in the spirit of Bill 26, is trying to give to municipalities the authority to be very responsible to their electorate.

Mr Rick Chiarelli: I guess what we're saying is mainly a message to library boards that if you get involved in a cooperative situation, the success that comes from it gets very addictive. In 1984, our council would probably have been the first council to jump on board and say, "Yes, we want to take over the whole thing." Today, we would never do that because —

Mr Shea: But you've been reasonable the way things have been done.

The Chair: Mr Shea, you're a little bit beyond your allotted time. Gentlemen, I want to thank you both very much for coming forward and making your presentation today.

CORNWALL PUBLIC LIBRARY

The Chair: Robert Hubsher and Stephen Renner, please come forward. Welcome today to the committee.

Mr Robert Hubsher: Members of the committee, I appreciate the opportunity to address you about this important piece of legislation. Ontario has a proud tradition of public library service with one of the oldest public library acts anywhere in the world. It was in 1882 that the province passed the Free Public Library Act in order to foster literacy, encourage reading and ensure equitable access for all residents of Ontario to the record of civilization.

The elected officials of that time recognized the importance of public libraries not only as a means of life-long education but as a pillar of democracy. They under-

stood that for democracy to function effectively the province needed an educated and informed electorate that understood the issues of the day and hence could meaningfully participate in the electoral process. Without access to information we cannot have an informed electorate. Without an informed electorate we cannot have a meaningful democracy.

The futurists tell us that we have entered the information age, a time when information is growing at an exponential rate and the means of storage and transmission are changing at breakneck speed. In this era, information is power and some say it may even replace currency as a means of exchange. It is certainly a time when equitable access to information, in all formats, for all Ontarians is essential if individually and collectively we are to remain competitive in the global economy.

In 1990, as a result of a cooperative partnership among the library community, the Ontario Library Association and the Ministry of Culture and Communications, the Ontario public library strategic plan was released. This document was the result of two and half years of work by over 300 trustees, librarians, technicians and interested library patrons. More than 200 statements and briefs were received and close to 100 presentations were made at a series of 10 public hearings held across the province.

The One Place to Look, the title of this document, represented one of the most comprehensive strategic reviews of public library service carried out anywhere in the world. I am proud to say that I was the vice-chair of the strategic planning group which spearheaded and coordinated the process. The statement of purpose for Ontario's public libraries, which was the foundation of this document, stated:

"The public library serves its community based on the belief that every individual has the right to equitable access to information.

"The public library is committed to helping people find information appropriate to their needs.

"The public library is concerned with the refreshment of people's spirit by providing books and other materials for relaxation and pleasure.

"The public library promotes an open and democratic society by providing everyone with access to civilizations' thoughts, ideas, actions and the expression of its creative imagination. The public library is the principal means whereby the record of civilization is made freely available.

"The public library is a practical demonstration of our society's belief in the value of universal education as a continuing and lifelong process."

Based on this statement of purpose, the goals of the Ontario public library strategic plan were:

Every Ontarian will have access to the information resources within the province through an integrated system of partnerships among all types of information providers.

Every Ontarian will receive public library service that is accurate, timely and responsive to individual and community needs.

Every Ontarian will receive public library service that meets recognized levels of excellence from trained and service-oriented staff, governed by responsible policymakers.

Every Ontarian will have access to the resources and services of all public libraries without barriers or charges.
1600

Bill 109, specifically section 14 and the proposed amendment to Ontario regulation 26/96 under the Municipal Act, undermines the ability of public libraries to provide equitable access to information for all Ontarians by allowing municipalities to charge fees for information formats other than printed materials.

This change is particularly troublesome in an era when more and more information is being delivered electronically. In fact, both the provincial and federal governments are reducing their printed publications and replacing them with electronic distribution through the Internet or CD-ROM. The commitment of both the provincial and federal governments to the principle of freedom of information and the dissemination of government information would be dramatically undermined by Bill 109.

Bill 109 undermines the ability of public libraries to provide Ontarians materials appropriate to their individual needs since printed materials are not necessarily appropriate for all individuals for all information needs, nor is all information available in printed format. Videotapes, audiotapes or other formats provide unique means of presenting information and may be the best method for some individuals to access the information they require.

The government's intention to phase out provincial operating grants will undermine its ability to set standards for public libraries in order to ensure that all public libraries meet recognized standards of excellence. In addition, it will undermine the integrated information network that has evolved over the last 115 years and turn this valuable provincial resource into a disparate group of individual collections.

I would ask you to consider the words of the Honourable Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, when she moved second reading of Bill 109 on Wednesday, February 26, 1997:

"I would like to say how proud we are of our public libraries. Libraries in communities throughout the province have touched the lives of every Ontario resident and have made a very significant contribution to the quality of life that we enjoy.... Our public libraries have served the province for more than 100 years. They have evolved from a disparate group of individual collections of books to an interconnected information network. Ontario's libraries have not only kept pace with the information revolution, they have indeed led the way.... The government knows that libraries are an essential building block in the development of a well-educated workforce, which is one of the province's greatest assets.... Free access to information is the cornerstone of our proud library tradition."

I implore you to reconsider Bill 109 so that we might continue our proud tradition of free access to information within an interconnected information network and that we might continue to strive towards the purpose and goals set out in the Ontario public library strategic plan. Please allow Ontario's public libraries to continue leading the way in the information revolution.

The Chair: Thank you very much. Are you going to —

Mr Stephen Renner: Yes, I would like to say something. Mr Chairman, honourable members, thank you for having us here.

As the last speaker, I wonder what I can add that might be new. I'm sure you've heard everything that's been said already, so I thought I'd start with something that may have been overlooked. The very first thing I see in Bill 109 is not something that one would like to see in library legislation. It looks pedantic to criticize this, but it's a split infinitive. I thought I'd get your attention with that.

Paragraph 1 of section 2, "To ensure public libraries continue to successfully provide." Wouldn't it be nicer to say, "to continue to succeed in providing"?

Mr Shea: Is this an attack on the education system?

Mr Young: You can do it in fewer words, "To provide successfully."

Mr Renner: There must be a better way. You'll notice I did not mention this in my written submission.

Mr Shea: That's about the only legitimate complaint the opposition might have about this bill.

Mr Renner: So, score one? There may be more.

To continue, our budget in Cornwall is made up not of 15%, as I said in the written material, but of about 11%, the provincial funding. What I see, as chair of our board, is that this is going to be discontinued, but at the same time there are major changes to the way the system is going to work. I wonder why a reduction in funding justifies the changes. Are they for benefit or not?

We have an excellent system; you've heard this over and over, I'm sure. What needs to be fixed? That's my question. There are two things in Bill 109 that I'm very concerned about: One is the composition of boards and the second is the matter of charging fees.

On the topic of the composition of boards, my concern is this. We presently have provincial standards for boards and how they are to be appointed. The boards are appointed by the municipality. The municipalities control our budget. How much more control could a municipality possibly want without making this a department of the municipality? My point is that the concept of having library boards, the intent of that, is to have this separation of powers so that there is an independent library board, separate and distinct and independent of municipal council, entrusted with the responsibility of looking after things.

It's an interesting relationship, because the municipal council appoints the board and says, "Here's the money you're allowed to use." As a library board, we're about as independent as a teenager at home: "Mom, can I have some money?" "Dad, can I have the car?" We can't do anything without the approval of council. We have to work together.

What I've discovered in five years as chairman of our board — and five years is too long to be chairman of a board, but the purpose has been that we've had a building project which has just been completed. We've had very good comments on it. It's been a pleasure, but very time-consuming. What I've noticed is that we have a wonderfully delicate balance of power between the municipality and the library board that has worked very well for a long time. What it creates is this barrier where, as a

library board, we're in charge of our staffing, we're in charge of our labour relations.

We have a different union local for our staff. In fact, we pay lower wages than the city equivalent, despite pay equity. We have a very low turnover of staff. I think we have a very good relationship with our staff — I wouldn't want it to go too far, but probably better than our municipality. That's a tribute to our independence. Also, the benefit of this independence is that the council can use it as an excuse. They're not responsible for boners that we make in book selection or cutbacks in hours or other things that we might have to do with respect to meeting budget cuts.

The concept that municipal councils now have authority to pass a bylaw to make the library boards made up entirely of councillors or municipal employees is basically something that threatens the independence of library boards. It offers no benefits, it offers no cost savings. It promises to be more expensive. My point is that this is not an improvement, this is a step back. We don't need it.

The second point I'd like to address is the matter of fees. The present legislation sets out a provincial standard that requires certain library services to be provided free of charge. This concept is abandoned in Bill 109, which allows the boards to charge fees, and let's not hide from the truth. The budget pressures to raise funds by charging fees will be tremendous on boards. It will be the politically correct thing to do, in terms of municipal council, to start charging fees.

Is this something we want to do? I don't think so. It's been an essential concept of Ontario's public libraries that the variety of information we have is available free. This is a long tradition, and changing it, I suggest to you, is entirely undemocratic. The whole purpose of public library legislation, like the public school legislation, is to make the service available free of charge to everyone, to eliminate financial barriers to success, to give everyone an equal opportunity. Ontario has been proud of maintaining this principle for schools and libraries for a very long time, and I'd like to ask, what could possibly justify the abandonment of this principle of free library service at this time?

We talk about cooperation between schools and libraries. We'd like to see more, especially in changing times when more and more information is going to be available through electronic means. It's going to be much easier to pass things back and forth across town, whether electronically or by bringing the disc over, that kind of thing. As the Crombie-Meyboom report from just before Christmas says, there should be more cooperation between schools and library boards. It's going to happen.

In the past, there was every incentive financially to do this because the taxpayer base for both was substantially the same. This has changed now, because the schools, with provincial funding, and the library, with municipal funding, are exclusively different — not entirely different, but certainly the tax bases are so different that there'll be a strong incentive for the library to say to the schools, "Why don't you pay for this?" and for the schools to say, "No, why doesn't the library pay for this?" I mention this at this point to point out the advan-

tage of having some provincial standards of what libraries must provide free of charge to continue the proud tradition that has given us the excellent system we have.

Library boards across Ontario, I would say, neither want nor need the headache of trying to determine appropriate fees for basic library usage — not for all library usage; there are certain things that have to be charged for. But the basic library service that we've been providing free of charge should continue. When we make changes to that, there should be a common provincial approach to this. We should all be doing the same thing. This shouldn't be subject to local political pressure or budget pressure here or there. We should have a common approach to the changing technology that's available on a provincial basis so that we all have the same expectations of our libraries.

In summary, the two changes that I'm speaking against offer no cost savings. They offer a reduction from a system that presently works very well. Reducing our funding does not justify making these changes but it is likely to have a deteriorating effect on our system. At a time of many changes in the forms of communication, we need the benefits of provincial standards so that we don't have a piecemeal approach and so that concepts like interlibrary loan service can continue the way they have been and the way the legislation intends them to continue. What we would like is that the whole system has the benefit of a common, basic approach to the formation of library boards and their independence and the concept of free library service.

The Chair: Thank you very much, gentlemen. Unfortunately, there are only two minutes left so I have to go to the single caucus for questions.

Mr Flaherty: Thank you both for your presentations. Help me a bit here. More than 89% of the cost of running the Cornwall Public Library is borne by the people living in Cornwall paying taxes.

Mr Renner: Yes.

Mr Flaherty: Some of the functions of the library are educational; some of the services are designed more towards relaxation and pleasure, as you said in your submission.

Mr Renner: As Bill 109 repeats too.

Mr Flaherty: This is why I need your help. You then ask the question, "Is this something we should pay for, something we should do in terms of user fees?" My question to you is, who should be making that decision? I suggest to you that if 89% of the cost of operating the Cornwall Public Library system is being paid by municipal taxes paid by the people living in Cornwall, the people who should answer that question are the people who are elected by the taxpayers of Cornwall; that is, the council. If the council doesn't make the decisions with respect to user fees that the voters, the taxpayers of city of Cornwall want, then they should throw them out, whether it be pro or con. Where am I off track on that?

Mr Renner: First of all, the city of Cornwall doesn't need to have a library. Secondly, we have all kinds of opportunities to curtail services. We've had five years of experience of meeting a more limited budget. Dealing with budget reductions is nothing new.

When it comes to various other things like public school service, you don't ask local taxpayers when they were paying for it, "Should this be free or should the children be charged something; should there be a free milk program or not?" That is a local problem, I'm sorry. You don't ask municipalities, "Would you like to adhere to the provincial building code?" No. Everybody has to enforce provincial building codes and fire codes. There are certain basic province-wide interests and basic principles that have to be maintained, like free public education, building codes, no tolls on the roads that are being dumped on the municipalities — not the correct form of words but you know what I mean — and the same thing

with libraries. There is a very strong reason why the province should continue to maintain some provincial standards for minimum service in libraries.

The Chair: Thank you, gentlemen, for coming forward today and taking time to make a presentation to the committee. I appreciate your attendance.

We'll now adjourn until 9 am tomorrow in Thunder Bay. Our flight leaves at 6 pm. I remind members that you don't have a ticket for that; it's a charter flight. They're expecting us to be there, so don't be looking confused when you can't find your ticket.

The committee adjourned at 1615.

STANDING COMMITTEE ON GENERAL GOVERNMENT

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Substitutions present / Membres remplaçants présents:

Mr Tony Martin (Sault Ste Marie ND)
Mr Derwyn Shea (High Park-Swansea PC)

Also taking part / Autres participants et participantes:

Mr Robert Chiarelli (Ottawa West / -Ouest L)

Clerk Pro Tem /

Greffière par intérim: Ms Donna Bryce

Staff / Personnel: Ms Elaine Campbell, research officer, Legislative Research Service

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Official Report of Debates (Hansard)

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Journal des débats (Hansard)

Jeudi 10 avril 1997

Standing committee on general government

Local Control of
Public Libraries Act, 1997

Comité permanent des affaires gouvernementales

Loi de 1997 sur le contrôle local
des bibliothèques publiques



Chair: Bart Maves
Clerk: Lynn Mellor

Président : Bart Maves
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Thursday 10 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Jeudi 10 avril 1997

The committee met at 0905 in the Prince Arthur Hotel, Thunder Bay.

LOCAL CONTROL OF
PUBLIC LIBRARIES ACT, 1997LOI DE 1997 SUR LE CONTRÔLE LOCAL
DES BIBLIOTHÈQUES PUBLIQUES

Consideration of Bill 109, An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level / Projet de loi 109, Loi modifiant la Loi sur les bibliothèques publiques de façon à situer à l'échelon local les pouvoirs, la responsabilité et l'obligation de rendre compte concernant la fourniture et la gestion efficace des services locaux de bibliothèque.

The Chair (Mr Bart Maves): Good morning, committee members. Welcome to Thunder Bay, Mr Gravelle's home. We were treated with great hospitality last night. Today I'd like to welcome all of the members of the audience to the committee.

NORTHERN ONTARIO
LIBRARY SERVICE

The Chair: Our first presentation this morning comes from the Northern Ontario Library Service board. Good morning, gentlemen. You have 15 minutes today to make a presentation. If there's some time left at the end of your presentation, I'll try to divide it among the three caucuses equally so that they might ask questions. If there's only one or two minutes left, I'll have one caucus ask questions.

Mr Michael Corbett: Thank you. The Northern Ontario Library Service board is pleased to have this opportunity of addressing the committee. The board's mandate is to deliver programs and services by increasing cooperation and coordination among public library boards and assisting public library boards by providing them with services and programs that reflect their needs, including consultation, training and development services.

The Chair: Excuse me. Just before you go any further, for the benefit of Hansard and the committee members, could you both introduce yourselves.

Mr Corbett: Michael Corbett from Bruce Mines. I'm chair of the Northern Ontario Library Service board.

Mr Alan Pepper: Alan Pepper. I am the chief executive officer of the Northern Ontario Library Service board.

Mr Corbett: We are making this presentation to reflect the concerns expressed to us by small libraries in northern Ontario, most of which are unable to make

individual presentations owing to the time and expense involved in crossing northern Ontario's great distances.

It would be hypocritical for the board not to applaud the fact that those aspects of the Public Libraries Act which support the Ontario Library Service are to remain in place. Together with the cultural partnerships branch of the ministry, the board and its southern partner, the Southern Ontario Library Service, provide a backbone of services which support the provincial interest in public libraries. The INFO system, which provides an automated interlibrary lending system, quality support in the areas of training and education, and the administration of material cooperatives which enable public libraries to work together without losing their local autonomy are all supplied in the north by OLS-North.

Current priorities of the board are the extension of Internet access by public libraries, taking proactive steps to ensure that information needed by library users is available on the Internet and the development of a quicker, more responsive, Internet-based interlibrary provincial lending system.

We are pleased at the retention of the principle of free access and the validation of 150 years of public library work in Ontario that this implies. However, we suggest that free borrowing continue to be defined as the borrowing of all materials, no matter what the format. To restrict free borrowing to traditional print materials only would seem to imply that the principle of free and universal access is somehow an outmoded concept whose importance diminishes as new technology takes on a larger role.

Charges for non-library-specific activities and value-added services are acceptable. In addition, in a service whose financing is from the local tax base, charges for non-residents are clearly fair. However, a province-wide scattering of libraries between which strong financial barriers to cooperation exist is antithetical to the idea of a provincial library service and would not represent good use of Ontario's taxpayers' money. Cooperation must remain one of Ontario's goals.

Naturally, we are happy that library boards are to continue. However, if councils are completely free to define a board, to the point where any semblance of what is normally thought of as a board ceases, then the intent of the legislation is successfully circumvented. If, for example, a council determined that its board should consist solely of the town clerk reporting to the council once a year, in reality no board would exist. If the case for a separate library board has been made sufficiently powerfully for it to be enshrined in a radical overhauling of a public library legislation, then measures to ensure that the board remains a corporate reality, rather than a legal fiction, are imperative.

Three aspects of this question need to be addressed.

The retention of citizen membership on library boards is important. Citizen boards have served Ontario well. There is no reason to consider that they will do less well in the future. A corollary to this question is whether council employees can act in an objective fashion if appointed to a library board. This board's contention is that they cannot and that they should not sit on public library boards. In order to ensure that the citizens are aware of vacancies on the library board, public notice of vacancies should be given.

By definition, a board consists of more than one person. A minimum size of board should be included in the legislation. This could be as low as three, but five is preferable. If no minimum is included, then the requirement for a board separate from the municipal council might as well be abandoned altogether.

Similarly, for a board to be effective, it must meet. Whether monthly meetings are necessary or whether a different schedule would serve could very properly be left to the individual council. However, for a board not to meet at all, or just to meet once a year, strikes once more at the very requirement to have a board. A minimum of meetings, say every two months, is needed. These meetings should be open to the public.

The cessation of direct annual operating grants to public libraries, which had been heralded by successive 20% reductions in the last two years, comes as no surprise. The board, while deploring any reduction in the province's support for public libraries, can understand that a non-accountable library operating grant was unlikely to survive in the current provincial climate. We would, however, like to make a few observations.

First, in order to provide for continued library support during the transition period where municipalities will be struggling to reconcile the financial equation caused by the changed funding of many services, the removal of the per-household library operating grant should be on a progressive basis. Grants are already only 60% of the 1995 level. The board suggests that this 60% level should remain in 1998, be reduced by 20% in successive years, and cease altogether only in 2001. By this time, the new board structure, as well as rationalizations in local government, can be expected to have become part of new methods of operation.

Second, in the case of first nations libraries, operating grants should immediately revert to the 1995 level in the current year and should remain at that level pending an independent study of first nations library funding. After many years of being well behind mainstream Ontario, public libraries in first nations communities are finally beginning to develop to the point where they are becoming a functional part of the provincial library service. They are providing a focus for the cultural identity of first nations within their own communities and also for interpreting that cultural identity to the rest of Ontario. Starving first nations libraries of funding at this critical point of their history would seem shortsighted.

Third, the question of public library service to the unorganized population, which is substantial in northern Ontario, should be addressed. With the proposed amalgamation of municipalities, many unorganized townships

will probably be subsumed into other municipalities. However, retention of the unorganized township grant program currently being operated on behalf of the ministry by OLS-North would assist a smooth transition and prevent the abrupt termination of library service to the residents of unorganized areas.

Finally, as has been the case in other sectors, the board trusts that as non-targeted operating grants from the province to public libraries are withdrawn, new, specifically focused provincial funding, services and programs aimed at helping public libraries work together in a cooperative fashion will be instituted. Many of these would be in the area of technology and communications, thus strengthening and making more uniform the provincial library network.

However, if this network is to function effectively when the primary funding is supplied at the municipal level, consideration must be given to the plight of net lenders, those libraries which lend more material through the interlibrary lending system than they borrow. Events over the past few years show that without some form of compensation for this activity, such libraries cease lending materials to other libraries or start levying prohibitive charges. In northern Ontario, this board has always maintained a policy of compensating these net lenders. We feel that this should become a provincial policy and that funding at a realistic level should be made available for this compensation.

Though developments in information technology are important, supplying library materials in traditional and newer formats will continue to be a part of the public library function for many years. This has always been a burden upon libraries serving very small populations, where the costs of buildings and staff use a disproportionate segment of the library dollar. Consideration should be given to directing a proportion of targeted provincial support to help libraries serving populations of less than 2,000 maintain their supply of library materials. A good way of doing this would be to help them take part in self-funded materials pools, thus making them partners in the process of self-help.

Finally, overarching those problems which are common to all public libraries comes the recognition that northern communities are less capable of funding services and that a government mitigation strategy is required. To support a given level of library service in the north generally involves levying a higher municipal mill rate than it does in the south. In addition, the geographic dispersal of the north makes self-development for library staff and board members through meeting and sharing with colleagues difficult and expensive. We recognize that these problems should not be tackled piecemeal but should be part of an overall government strategy, and the OLS-North board offers its services in helping to make this strategy work for the public libraries of northern Ontario.

The board would like to thank the committee for its time and assure the members that the 17 volunteer members of the Northern Ontario Library Service board, together with the board's dedicated staff, will continue to work strenuously on behalf of quality library service in northern Ontario, as they and their predecessors have done since 1953, when the Thunder Bay District Library

Cooperative, the precursor of the present-day Ontario Library Service, was conceived in this very city.

Mr Tony Martin (Sault Ste Marie): Thank you very much, Mr Corbett. I bring greetings from your member, Bud Wildman, who I'm told was in touch with you about this early on. He couldn't be here today for obvious reasons. He's our House leader and there's some serious negotiation going on as we speak.

You raise some really important issues and I think there are some issues particular to the north that need to be made. One of them, of course, is the issue of first nations. Another is the issue of unorganized townships; I don't think there is such an animal in southern Ontario. Of course, the other is the issue of how it is more difficult for us in the north to raise money for things like libraries through the raising of taxes, because you don't have as much room to spread it over.

I'd just like to ask you to focus a bit on one of those, and that's the first nations challenge, where they are at this particular point in time, and maybe expand a bit further on how this piece of legislation will affect them and what you suggest could be done to improve that.

Mr Corbett: First nations libraries have taken a long, tedious path into being a very viable part of their communities. We have been helping them extensively, but any cutbacks that they receive right now will throw them back considerably, injure the growth they are experiencing. We've had a lot of problems with first nations libraries in the transition and the changes in libraries, but we have been working extensively with them and we have been making sure they are becoming much more viable. Any cutbacks, as I've said, will take away the progress we have made in the last few years.

Mr Derwyn Shea (High Park-Swansea): I appreciated your presentation. You'll be interested to know that certainly the first nations issue and the one of the unorganized townships are not technically part of this bill; they are yet to be reviewed. I appreciate your comments in that regard and that will bring you some measure of relief.

I want to get to the point of governance because the time is so limited. I'm intrigued with your comments about governing. It particularly caught my attention when I saw your comments, the question of whether council employees can act in an objective fashion if appointed to a library board. The contention is that they cannot. I'd be interested in your feedback on that. Would that also apply to members of council?

Mr Corbett: No. Members of council have a directly elected duty to represent their constituents.

Mr Shea: So your sense is then that the employees would be too directly related to the councillors to be able to make any objective comments on behalf of library services?

Mr Corbett: The history of libraries in Ontario is that libraries are incorporated under the library act and this was enshrined a long time ago. It was the only board in a municipality that had that control and had that presence. What this does is ensure that there's no censorship and that free access of information continues to be given to the community, no matter what the political agenda, no matter what is happening within a municipal council.

0920

Mr Michael Gravelle (Port Arthur): Good morning and thank you for your presentation. Certainly you have echoed a lot of the concerns that have been expressed across the province, but as Mr Martin pointed out, the whole issue of first nations has not come up yet and I think that's an important one, as is the unorganized township one.

There are so many questions, but the one I'm interested in too is the whole question of the interlibrary loan program, which has come up in a number of places but probably needs to be talked about a bit more. The fact is, those of us who are concerned about the legislation and have talked about the patchwork that will develop, this is part of it, at least a large part of it, so I wonder if you can explain to the committee members what may happen. As you say, the whole program may fall apart unless there is some financial assistance available, because it costs money to be part of the interlibrary loan program.

Mr Pepper: What has happened in the last few years in the case of these large lenders, people who lend a lot more material than they borrow — and specific cases can be instanced, such as Hamilton and Windsor, which have put quite heavy charges on interlibrary lending, thus cutting down the free interchange of information. No library can be completely independent. Even Hamilton and Windsor borrow from other libraries, but they lend more than they borrow. We are concerned that with all funding being put to the municipal level, this pattern would develop more strongly and some means of ensuring that free interchange of information throughout the province would continue.

The Chair: Thank you, gentlemen, for coming forward this morning and making your presentation to the committee.

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 1803 AND LOCAL 3120

The Chair: Would representatives from CUPE, Locals 1803 and 3120, please come forward. Good morning and welcome to the committee.

Ms Leslie Piekarz: My name is Leslie Piekarz. I'm the president of CUPE, Local 1803.

Ms Sylvia Renaud: I'm Sylvia Renaud. I'm the vice-president of CUPE, Local 1803.

Ms Angela Meady: My name is Angela Meady and I'm a librarian with the Thunder Bay Public Library, secretary of 1803. I'm here speaking with you this morning on behalf of my fellow union employees, CUPE 1803 and 3120, of the Thunder Bay Public Library. We wish to take this opportunity to address our concerns with the act to amend the Public Libraries Act, and I thank you for that opportunity.

We find that we support the purposes of the act as outlined in section 2: that public libraries continue to successfully provide for Ontarians their information needs. However, we worry that this act's amendments will bring consequences which are contrary to the achievement of these purposes. The consequence of turning the funding of public libraries over to municipalities solely we fear will result in an unequal provincial system in which some

localities will have to fight to maintain minimal standards while others will not be able to meet the information needs of their residents.

Libraries have already felt the deep sting of cost cutting. Even prior to the reduction of the provincial grant in 1996, we were dealing with losses in revenue and cutbacks. For example, we closed many more hours. I'm speaking of Thunder Bay Public Library here. It's been much worse in some of the other libraries in northwestern Ontario but I'm just speaking for Thunder Bay Public. We closed evenings. We didn't replace staff when they retired or left. We've suffered a huge loss to our materials budget. We've cut programming. We have reorganized, re-engineered and restructured with no sense that what has been lost could be regained.

Since Ontario reduced its grant in 1996, the erosion has continued and the library now preoccupies itself with educating users in diminishing expectations, such as using self-help machinery in the absence of professional assistance, such as waiting in line for 20 minutes to ask a question or to sign out materials, or facing a service desk with a closed sign or a sign which directs them to the remaining service desk, that one upstairs that has a 20-minute lineup.

In Thunder Bay, this has meant fewer hours of operation, fewer new materials, fewer programs for children and fewer service personnel. Library funding has in effect been cut to the bone, and further cuts will result in amputations. Should the library lose the remaining portion of the grant, such reductions are probable.

Municipalities are being asked to assume sole responsibility for the funding of public libraries. Large, relatively wealthy southern Ontario centres may or may not adjust to this change and at least maintain their current level of funding. But the residents of Thunder Bay and remote northern communities with a small tax base will undoubtedly see their libraries increasingly underfunded and their services eroded as the library competes for a share of the ever-shrinking pie of public funding.

This act, which is directed to all Ontarians, will disadvantage some Ontarians compared to their neighbours. In Thunder Bay there has been downward pressure on public spending. The city's position that it is cash-strapped is a real one and it has brought us to the verge of strike action by CUPE right at the current time. There appears to be little more commitment to maintaining library services on the municipal level than there is on the provincial.

In this atmosphere, for which we see no real signs of relief, we may anticipate that the municipality would further cut the library's funding, which would result in a greater reduction to library services and a downsizing of staff and a downgrading of the level of professionals required to administer these services. Large monetary losses would mean branch closures and drastic cuts to the hours of operation; the loss of services to special-needs groups such as shut-ins and the illiterate; the impoverishment of the collection, particularly in targeted areas such as books in Braille, large-print materials and talking books for the blind; a decrease in materials budgets overall; to children's literacy programs; a delay in the implementation of new technologies and so on.

The incorporation of technology into basic library services, such as our anticipated public Internet access this spring, our digitization of local history materials, multimedia stations for children and adults which are currently in place, all of these things make it quite an exciting time to be working in a library, a period of great potential for increased access to information. What is not obvious is the tremendous expense attendant upon these kinds of initiatives, not simply for the hardware but for the software, for the maintenance, for the staff and public training, for the upgrades, and in fact the reality that we are still required to offer multiple formats since for many of the public the electronic media care neither the desired nor the needed nor even the appropriate format. For instance, I very much doubt that the critical experience of sharing a child's picture book with a parent could be replaced with a shiny new CD-ROM or that the same senior citizens who need our assistance to photocopy a paper are suddenly going to find themselves wired in the near future. So these innovations cost and the cost is extra; it is not instead of costs we're already struggling to keep up with.

To finance library operations we feel it is a certainty that fees will be imposed for services which had hitherto been free to all patrons, thus creating a multi-tiered system of access to information. Patrons unable to afford library fees will become information-deprived in an era in which we are told that information is the key to social mobility. Ontarians will not only be disadvantaged from community to community, but also within a community.

There is no doubt the residents of Thunder Bay appreciate and value library services. In the city of Thunder Bay an average of 50,000 persons per month use the public library. During 1996, 1.6 million library uses were recorded. Library uses would include the borrowing of books and other media, reference questions being answered, children's program attendance and in-house use of materials. This figure represents approximately 14 annual library uses for every citizen of Thunder Bay. That's more than one use per month per person.

The library has traditionally worked in tandem with the school system. Public libraries have played an important role in equalizing the educational playing field by providing resources for students of all ages, indeed students for life, you may say, supporting their lifelong learning initiatives. As library funding gravitates to mere subsistence level, the library will not be able to maintain the level of service and materials its users require. Downgrading of professional staff would hamper the library's ability to work in partnership with schools. The staff required to keep up with evolving technology will simply not be there for students. This situation becomes more critical at a time when schools are facing shrinking budgets and exhibit an uncertain commitment to the operation of their own resource centres.

0930

The lack of access to information is an obvious impediment to educational and social success. Children and adults without educational opportunities would never realize their full potential as citizens. These same children and adults without access to the recreational reading material provided by public libraries never fully realize

the outer limits of their creative potential, nor do they find the means to uncover worlds larger than their own limited horizons. Persons require information for their development, and the library remains the essential social agency for providing access to information.

The library, with its highly trained and dedicated staff, enjoys a good reputation and strong public support, as is shown by our user statistics and community goodwill. To pick up the slack left by previous cuts we have been fortunate to receive the support of local charitable organizations, but this support is not likely to increase and is in no way guaranteed for the future. Without the stability of provincial funding, the fate of the library will be left to the vagaries of local politics and beneficence.

It is particularly important that residents of isolated, remote northern Ontario communities be able to tie into provincial or other networks in order to extend the limited number of resources available to them. Without the financial support of the government, it is not likely that provincial networks would survive. Citizens and governments of Ontario may not agree on government spending priorities. However, all Ontarians must agree that access to information is an essential right of all citizens.

The support which the province has provided in the past has allowed Ontario to become a Canadian leader in the development of provincial networks that permit equal access to information regardless of geographic or financial inequalities. The changes proposed in the Public Libraries Act threaten to roll back this progress. The transference of library funding to the municipality would result in more cuts, which will hurt the ability of individuals province-wide to access current and future information technologies. While the act wants Ontarians to "benefit from access to local, provincial and global information," we fear its remedies knock out the very foundation from this ambition of an integrated provincial network and promise only a fractured system in which a few libraries thrive while the others flounder in parochialism.

The financial support of the Ontario government is valued and essential to the future health and growth of our public libraries. As the new horizons of the information age open up, this would be a tragic time to cut your citizens' libraries adrift. Thank you very much for your time.

The Chair: Thank you. We have just a little better than a minute per caucus for questions. I would encourage everyone to keep their preamble short so we might be able to get longer answers from the witness.

Mr Jim Flaherty (Durham Centre): In terms of labour relations, the proposed Bill 109 I suggest doesn't make significant changes. There's still the requirement of the board being appointed, and in section 11 of the proposed bill, "A board may appoint and remove such employees" and so on. There are the provisions with respect to retirement allowances, pensions, sick leave credits and those things in section 13 of the bill, which I thought was what you might talk about, being from CUPE, but you didn't. You talked about the organization and the difference, perhaps, in funding that might happen.

Looking at the statistics, what I see for the Thunder Bay library is that the funding from the provincial government currently is 8.39%, so that about 91% of the

funding for the Thunder Bay library is coming from the property tax base, from the ratepayers in Thunder Bay. A community of comparable size, for example Oshawa, part of which is in my riding in southern Ontario, is at 9.85%, so about 90% of the funding is municipal there. In Windsor, obviously in southern Ontario, about 92% of the funding is from the municipal ratepayers.

I'm looking at communities of comparable size. In terms of the financial support they're receiving now from the provincial government, it appears comparable to me. Therefore, it doesn't follow to me, and perhaps you can help me with this, why it would be said that there would be a greater burden on municipal ratepayers in the north than there would be on the people in Oshawa or Windsor, given that their levels of funding are about the same.

Ms Piekarz: Even though the levels of funding are the same when you're talking about the provincial grant, our levels of funding from the city have not gone up and our costs have gone up. When you are being asked to introduce new technologies and your budget has flat-lined, how are you going to offer these technologies and other services? When we have been experiencing that already in our level of services of the citizens of Thunder Bay, we are therefore looking at a possible cut from the province and understand how difficult it would then be for us to provide those services.

Mr Gravelle: The fact is that the government members consistently bring this up and they talk about the 6% to 10% contribution from the province as if it's no big deal. I think in Thunder Bay's case it's about \$300,000. This bill in essence is not about better library service, it's about downloading. That's really what it's all about.

What's the big deal about losing that kind of funding? The fact is that when you look at all the downloading that's gone on, Thunder Bay has estimated about a \$15.2-million loss in terms of funding and about a 20% property tax hike if they have to meet those services. Do you think it's realistic to ask the municipal council of Thunder Bay to not only meet what they're doing but to make up that difference, based on all the other downloading that's going on?

Ms Piekarz: Also, what is the budget of the Oshawa Public Library? Is it comparable to the Thunder Bay Public Library? Maybe I don't want to go there.

Mr Flaherty: Yes, \$6,000 apart; \$288,000 in Oshawa, \$294,000 in Thunder Bay, provincial grants.

Mr Gravelle: But in terms of Thunder Bay, is it realistic to ask the municipalities that are already being affected by so many other cuts — certainly they're paying for ambulance services, long-term care. That's the deal here. This is about downloading; it's not about better library service. The minister makes a statement of purpose, but it's just not realistic.

Ms Meady: Thank you for your point, Mr Gravelle. What you raised about your expectation of what we would be saying here this morning on behalf of the unions, I think it is maybe notable to see that we are here really in support of our library service in concordance with management, just to say in essence: We feel that we are cut to the bone. We want to bring this to your attention to say we cannot suffer any more cuts and still adequately provide for our citizens. In fact, we are just barely managing that at this time.

Mr Martin: That's actually what I wanted to highlight too, that this bill is not about enhancing library service; this bill is about money. The provincial contribution is significant, even if it is only \$300,000. But when you put that together with the downloading that's coming and the impact on communities by, for example, the revelation the other day of the Minister of Finance that he is not going to allow municipalities to collect this business occupancy tax any more, it's an even bigger hit. In a place like Thunder Bay, where the economy is struggling, it's actually unfair to compare it to the economy of a place like Oshawa, where it's actually doing quite well at the moment, comparing apples with oranges.

Actually, what I wanted to ask you is, what kind of training does it take for you, as a librarian, to arrive at a place where you can do the work that you do?

Ms Meady: Speaking for myself, I am a librarian, which means that the minimum requirement for me would have been a master's degree in library science, preceded by a BA, and for both my colleagues as well.

We have a core of nine librarians. A couple of them who were formerly full-time librarians now work on contract in this current position. The rest of the staff, the support staff, would have either a library technician diploma or, if they're in the clerical nature, grade 13 and that sort of thing. There's a variety of different people working, but a librarian is an MLS.

The Chair: Thank you, ladies, for coming forward and making a presentation to the committee.

0940

LAKEHEAD WOMEN TEACHERS' ASSOCIATION

The Chair: Would Sharlene Smith please come forward. Good morning and welcome to the committee.

Ms Sharlene Smith: Good morning. I'm Sharlene Smith, the president of the Lakehead Women Teachers' Association. Once again, thank you for the opportunity to address another bill that the government has put forward to us.

I represent over 500 women teachers teaching in the public elementary system within the city of Thunder Bay. Our members can see the effects that this government's cuts and other measures are having on this province. We know that the direction this government is taking will not be good for children, for education, for our communities, for the economy or for the democracy of this province.

We know it does not make good sense to make these unrealistic changes without fully understanding the impact these changes will have on the people of our province. For the past two and a half months, we've been trying to fully understand the impact of your government's proposed downloading of new financial responsibilities to Thunder Bay. Unless this government changes its agenda, citizens of this province will experience a huge increase in their property taxes or a severe reduction in major services that all of us need or have a right to expect.

Bill 109 is also a part of this government's downloading plan which will have a major impact on access to our public libraries. Changes to the Ontario public libraries proposed in Bill 109 will further hinder children's

opportunities to learn. This loss of funding to our public libraries will threaten the viability of Ontario's world-class library system.

We live in a society based on information and knowledge. Therefore, libraries are the main centres in all communities to access this needed information. Even though computers are becoming a part of our daily life, not all citizens have home computers or the training to use them effectively.

For more than 100 years, our public libraries have made books and other learning materials equally accessible to everyone in Ontario, regardless of their income or geographical location. Over the last two decades, library use in Canada virtually has doubled, clearly attesting to the ability of the libraries to remain current in our ever-changing world.

Marilyn Mushinski, Minister of Citizenship, Culture and Recreation, in addressing the Ontario Library Association 1997 Superconference on February 7, stated, "There is no doubt that our library system is one of Ontario's greatest cultural and economic assets." However, rather than improve the library system as she maintains, Bill 109, the Local Control of Public Libraries Act, will take literacy and learning out of the reach of many of those who need it the most. LWTA has three major areas of concern with Bill 109 that we will now address.

This government maintains that literacy is important to an individual's success and to the province's success. Mushinski stated at the Superconference that the province recognizes the great value of libraries to the economic health of the province through their role in creating a well-educated and literate workforce. Learning has been accepted as a lifelong process and it's clear that our libraries have a central role to play in this pursuit.

Our libraries cannot play a central role in this pursuit, however, if they are poorly funded and have user fees for certain aspects of their resources and services. Literacy does not merely happen because someone wishes it to. It requires a commitment that goes beyond teaching someone to read in the early years.

Literacy requires a commitment that includes adequate funding of resources such as the schools and libraries of this province and it requires that access be freely given to these resources. Bill 109 will slow down our pursuit of literacy in the following ways:

It allows libraries to impose user fees for everything except access to the library and borrowing print material.

By eliminating provincial funding, smaller community libraries will find it difficult to keep current and to provide the services to their communities that are more accessible in larger urban libraries.

User fees may impact on literacy. In our era, more and more materials are being made available in forms other than print. Imposing user fees on access to electronic information available through the libraries means that access will be limited. This will create a two-tier system where those with the financial means will be able to become more literate and more computer-literate. There is already a class division regarding computer literacy and access to information only available through the Internet. We fear that this bill will increase this division.

Some remote communities do not have the financial ability to maintain extensive collections. In order to provide access to the citizens of these communities to more material, and often the more current material, a system of interlibrary loans has been established. Bill 109 will enable libraries to charge user fees for accessing this service.

This will mean that those who live in communities that do not have a large library system will be financially penalized and will not be able to access the range of materials available to those who live in large urban centres.

Since coming into power, this government has reduced the funding to libraries quite significantly, by 20% in the last two years. Now they've decided that libraries will be completely funded by the municipalities, with no funding by this province. This is part of the whole disentanglement exercise. The government maintains that this whole exercise is about a means of better providing the various services to the people of Ontario. However, it appears that it is more about providing the means to cut funding for various programs in order to pay for your tax cut. The tax cut will only benefit those who are already well off in our province. The services cut are affecting those who are less fortunate, and they will suffer.

We support the position that the local communities are in the best position of determining the needs of the citizens, but in order to be able to act on this knowledge they must have financial capacity.

In the Thunder Bay library system, cuts of \$144,000 in the last two years and now \$250,000 proposed for 1998 mean extensive changes for the users of our public libraries. For the public who count on free public services, cuts have had a profound impact. Our libraries have already downsized their staff, which means loss of library usage for the citizens of Thunder Bay. Today, our libraries are not opened on Thursday evenings and have reduced hours on the other days.

In the Thunder Bay library system there are over 50,000 users per month at our two main reference libraries and the two branch libraries. Statistically in our community, there are over 1.6 million library uses per year. This means that every citizen of Thunder Bay accesses the library for 10 different library uses per year. Further loss of funding could mean the closure of branch libraries and the loss of more staff, which equates to more reduced hours of public access to our libraries.

Budget decisions focus on the greatest number of materials which can be acquired. As a result of this, items such as large books, which cost one third more than regular novels, are less likely to be purchased. With the cost of books and supplies escalating, the reduced library budget purchases even fewer resources. While Bill 109 maintains that print materials should be accessed for free, it allows libraries to charge user fees for technology, film, books on tape, CDs, cassettes, programs such as guest authors, lectures, children's entertainers and movies or slide presentations.

Mushinski states that the new library framework will contribute certain cost-saving efficiencies because municipal governments will be making responsible decisions for their libraries. This sleight-of-hand financing means that libraries need to convince municipalities to pick up the

\$7.52 per household which was granted by the province until 1995.

With communities now responsible for funding welfare, child care, public housing, ambulance services, public health and long-term care, where do you think libraries will be placed on that long list of new responsibilities? While municipalities have always paid the greater costs of maintaining our public libraries, this abandonment by this government, coupled with your massive downloading of responsibilities, will effectively limit Thunder Bay's ability to sustain our current levels of library service.

While the minister recognizes the great value of libraries to the economic health of this province through their role in creating a well-educated and literate workforce, she talks about services that libraries might be able to provide, such as network access and electronic document delivery. The reality is that of the 1,200 provincial libraries, only 100 currently have Internet capabilities. When budgeting, should funds be used to buy one media workstation or 166 books? In conclusion, you cannot improve a system by cutting its funding, especially resource-dependent systems like libraries and the education system.

Decisions about library services are made by boards. Under Bill 109, it will no longer be necessary to have public and separate school representation on your library boards. As teacher-librarians come under attack through the outsourcing provisions of Bill 104 and through educational budget cuts, the communication links between schools and public libraries become frayed. There is no longer a seamless delivery service for literacy. The connection between the schools and the libraries is now very vital.

Two-way communication is logical between the library board and the school boards. Both systems are involved in learning. A formal connection through the library board ensures that this communication will occur. Without this guarantee, something could easily get lost in the shuffle of our busy and downsized systems. Coordination is not possible, and the focus is not maintained on the clients being served.

In conclusion, libraries are safe, quiet havens. For many children, younger adults, seniors and others living in poverty or in abusive environments, public libraries provide an educational safety net and an anchor in an otherwise stormy life.

The Deputy Minister of Citizenship, Culture and Recreation stated that libraries have an important future and that the future of libraries is linked to the future of lifelong learning and the access to the world of information. In reality, downloading of the provincial share of library costs to municipalities makes a mockery of public access. When joined with cuts to school libraries due to the education funding cuts and cuts to literacy programs which use public library facilities, the knowledge-based economy shrinks as a two-class system is created in our province.

While larger cities may be able to find the funds to keep some of their libraries open, the picture is quite gloomy for many of our northern Ontario communities. Northern and rural libraries have always relied more

heavily on provincial transfer payments. The elimination of this support will threaten the continuation of library services in some of our smaller communities in northern Ontario. Northern and rural libraries have always relied more heavily on provincial transfer payments. The elimination of this support will threaten the continuation of library services in some of our smaller communities in northern Ontario. The fact is that Bill 109 will mean the potential closure of library branches, elimination of professional staff positions, reduced material and book purchasing and even the loss of neighbourhood literacy and library programs for children.

Our libraries are vital to the economic and social wellbeing of this province. Our library helps to ensure and maintain a literate population. Lifelong learning cannot happen in a vacuum. Literacy is too important to be downloaded. The minds of children and all our citizens are too important to be wasted. We urge this committee to recommend to the government that this bill be scrapped in the name of literacy.

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Mr Gravelle: Thanks very much. You hit a lot of important points which were certainly, I think, accurate in your presentation. I want to just ask you quickly — it seems strange to me that you've got a government that says they're going to take education and they'll fund it provincially, but they're going to throw libraries to the municipalities, yet the minister talks about them both being education networks — don't you think that's odd? Any comments on the fact that libraries and the education system are obviously connected.

Ms Smith: Both of them are integral parts of the learning of the citizens of this province and they're destroying the two systems that are our future for the children and anyone else who wants to have that access.

Mr Gravelle: We'd be funded at the same level.

Ms Smith: They should be funded at the same level.

Mr Martin: You mentioned in your brief on two or three different occasions the issue of the stratification, creating classes of citizens. It's already been mentioned, actually, before this morning. Could you maybe expand on that a little bit and how this bill will contribute to that?

Ms Smith: The situation is that those who have the money or the means to get it will be able to access the library. Those children or young adults in the community who need to get further education are not going to be able to access it because there's no money for them to access it. Not every child at school owns a computer in their homes, so the schools are now trying to get computers. But with the cuts to educational funding, we don't even have the computers in our schools that we were promised, that we're supposed to have. Where are these children supposed to access this? Again it's the haves who have, and the have-nots will continue not to have, and that's not fair. Everyone has to be responsible for educating the minds of this province, and we have to start doing it that way.

Mr Martin: Equal access.

Ms Smith: Equal access.

Mrs Julia Munro (Durham-York): Thank you very much for bringing your ideas forward to us today.

Because of the pressure of time, obviously, I really want to just pinpoint one particular comment that you made and that I'd ask you to respond to.

When you talk on page 5 about supporting the position at the local communities, this is certainly consistent with the Crombie report, which says that municipalities should have full control over the library function. I wondered if you were aware of the fact that the province is conducting negotiations to make sure that communities don't suffer in any way from the exchange of the education tax coming off property tax and the assumption of those responsibilities that you mentioned.

It seems to me that is the place where the role and the importance of the library need to take place, so that the moneys that have been set aside to allow for restructuring to take place in a way that is revenue-neutral are designed to deal with the kind of issues you've raised. I just wondered if you were aware of that opportunity.

Ms Smith: My only concern is that you're downloading so much to our communities, we have to prioritize. Again, where are libraries going to go on the massive priority list that you've put to our communities? That scares me when you've taken away all the money. These citizens of Ontario are responsible for the minds of the citizens of this province and you can't keep downloading everything. There you go again; we're going to increase our taxes.

Mrs Munro: This is designed to be revenue-neutral?

The Chair: I want to thank you very much for coming forward and making a presentation to the committee this morning.

ONTARIO PUBLIC SCHOOL TEACHERS' FEDERATION, THUNDER BAY DISTRICT

The Chair: Would Jim Green please come forward. Good morning, Mr Green. Welcome to the committee.

Mr Jim Green: I'm Jim Green. I'm district president of the Ontario Public School Teachers' Federation. I represent 513 elementary teachers and occasional teachers. I'm going to take a little broader swipe at this than libraries. I'd like to thank you for the opportunity to present.

I want to make it very clear that I am not a taxpayer, and I'm annoyed that this government is characterizing me as one. I am a citizen. That's my main designation as far as this government should be concerned. Sure, as part of my duty as a citizen I pay taxes. As part of my rights as a citizen I expect the government to provide certain services.

In Canada we expect governments to institute policies which provide for the needs of all our citizens. Our country is concerned with the needs of people, not with grubbing money. Those who place money ahead of people hopefully have all moved to the United States. Canadians believe that it is our duty to help those who are less fortunate while Americans view the less fortunate as another opportunity to make money. This government is taking us in the American direction.

Governments in other countries have used the big lie to implement undemocratic reforms. If a government tells

the big lie loudly enough, long enough and often enough, people accept the lie as the truth. The Conservative government in Ontario is using the deficit as the basis for the big lie. The government has used this technique to convince citizens they are simply taxpayers who want the deficit reduced. On this basis, the government has proclaimed that medical, social and educational services are broken and that drastic changes are required to fix the problems.

The government has said it so loud and long that not only do the people believe, now the government believes its own lies. The reality is that this government is re-allocating Ontario's wealth and concentrating it in the hands of corporations and the wealthy. The government is removing services from the majority of the citizens of Ontario in order to give tax breaks to corporations and the wealthiest among us.

A quick study of our neighbours to the south reveals that where money rules and people are not valued, chaos prevails. When the youth of the nation cannot afford a quality education, hopelessness arises. The youth rapidly become disillusioned and hostile to the establishment. Since society obviously does not value them, they value neither themselves nor society. That crime and violence are rampant in inner-city settings is not surprising.

By establishing a two-tiered education system and thus making needed education services and opportunities available only to those with money, we are condemning ourselves to a more violent, less productive society. Although business may save tax dollars now, the lack of educated, flexible workers will impair their future competitiveness. This fixation upon the tax dollar at the expense of people is dooming our youth to despair and our country to mediocrity.

In the obsession to save the corporations a buck, this government has forgotten its main constituents, the citizens. This government is systematically destroying the services we want, need and are willing to pay for. This government has put far too much emphasis on conveying wealth to corporations and far too little on retaining the Canadian way of life.

The introduction of Bill 109, ostensibly as another improvement to public services by putting authority, responsibility and accountability for providing and effectively managing local library services at the local level, is questionable. The Thunder Bay district of OPSTF questions the basis for the government's stated rationale for proposing such a drastic change in the delivery of library services and representation on library boards. We believe that this legislation is designed to transfer the entire responsibility for libraries to local communities and to shift the cost to those least able to pay.

Free access to public libraries is a major force in any democracy. Unfettered access to information is vital for all our citizens if we wish to remain educated and informed. Since librarians will disappear in Thunder Bay elementary schools this fall because of government cuts to education funding, free access to public libraries will be more important than ever.

Contrary to popular opinion, not all questions can be answered by accessing the Internet, and access to the Internet is not free. Many members of the public have no

access to the Internet other than that provided by libraries.

Traditionally, nominees from the Lakehead Board of Education, the Lakehead District Roman Catholic Separate School Board and the public at large have made up the majority of the Thunder Bay library board. This legislation makes library boards absolutely responsible to municipal councils. Municipal councils, notorious for reacting to lobbying groups, are not the body to decide whether or not the library can circulate books that interest groups may wish removed for reasons not necessarily in the public interest.

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There is every expectation that traditionally myopic councillors will force libraries to impose every possible fee for the use of library resources. Although no fee can be charged to enter the library building or to use print materials, everything else will be a cost to the user. Since more and more materials are being presented only in forms other than print, users will pay access fees or be denied access to needed information. This will inhibit or prevent those who need the service most — school children — from accessing it.

This restructuring of library boards is not intended to improve access to information, but again is part of a scheme to transfer tax dollars to the rich. In combination with other legislation, more duties are being given to municipalities. Financial responsibilities in excess of their current ability to pay are being transferred to the municipalities. This will inevitably require huge local tax increases to maintain the services or, as the government seems to favour, eliminating or privatizing the services. The ability to allow private enterprise to make money from library users is enshrined in this legislation. The net saving to the provincial coffers will again be part of the wealth transferred to those who need it least.

Bill 109 fails to make adequate provision for employees of current library boards. The ruminations of a council-appointed board, which may consist solely of the chief administrative officer for the municipality, will decide the fate of employees and their collective agreements. This is not democratic. This is not acceptable.

There are no successor provisions for collective agreements negotiated with the current library boards contained within the legislation. There are no specific provisions for transferring employees from the current library boards to the new ones. There is no obligation in this legislation for the new library boards to accept the current collective agreements negotiated by the current boards and their employees. The legislation states quite clearly that the new board "may appoint and remove such employees as it considers necessary, and determine the terms of their employment, their remuneration and their duties." There is every opportunity for current employees to be treated in an arbitrary and capricious manner by the new boards. The legislation must be amended to include clauses creating a reasonable and just process for transferring employees and their collective agreements to the new boards.

I made four recommendations, and I've ignored the money: (1) that the current method of appointing a majority of library board members from the public at

large and school board nominees be continued; (2) that Bill 109 be amended by the deletion of the clauses which allow fees to be charged for access to information and services; (3) that Bill 109 be amended to address human resources issues, including job protection for all employees of existing library boards, recognition of the legal status of current collective agreements, full recognition of accrued seniority, protection for existing employees from transfers beyond the boundaries of their current library boards and successor rights for current unions; (4) that Bill 109 be amended to remove all references to using outside services or personnel to operate the library or deliver library services. Thank you.

Mr Martin: Thank you very much, and well put. You make some really valuable and important points in your presentation. I was intrigued, because we haven't had this approach taken before, with your reference to the difference between a citizen and a taxpayer. Perhaps you could expand a little bit on that and help us understand more what you mean.

Mr Green: We've characterized the people of Ontario as taxpayers who want to get their taxes reduced. I believe I'm a citizen, not a taxpayer. I'm a citizen and I want services from my government, and I want to be demeaned by being referred to solely as a taxpayer. Sure, I don't like paying taxes any more than any other person. However, it's more efficient for government to provide many of the services. I want the services; I'll pay for them. It's far cheaper for me to pay taxes and get the services than to buy them from private industry.

Mr Terence H. Young (Halton Centre): I just want to tell you, sir, that everything we're doing as a government is to try and create more employment and have more responsible, accountable government. From the teachers I've talked to since taking the job, in the hundreds now, one of the major problems they have with children in the classroom is when there are problems at home, and one of the most common is unemployment. Everything we're trying to do is to create more jobs.

But we had the lady who was speaking before about literacy. Under this bill anyone can get books at a library, guaranteed no service charge. As well, they can use information in any format on the premises. It's guaranteed without fees. As well, disabled persons can take any formatted information home without fees. On the other hand, libraries may wish to charge for music or videotapes, which have nothing to do with literacy. Where is the problem with literacy?

Mr Green: I guess I didn't read the act the same way you did because it said you could use collections. "Collections" generally refers to print materials.

Mr Young: No, no. You're wrong, sir. The bill guarantees the use of materials on the premises for anybody without fees. Some of the comments you made, like a "more violent, less productive society," I think are a little far-fetched.

Mr Gravelle: Thank you very much, Mr Green. I just wish you were more forthright. I want to actually take advantage of your professional position as well and ask you almost what I asked Ms Smith too in terms of the fact that we're talking about the libraries and the minister saying certain things in the bill which, if you read them,

would say we're going to have better library service out of this, the connection between the libraries in our community and the education system. Clearly this bill is going to be offering less access. You talk about school librarians. Any comments in terms of that and the education system and libraries?

Mr Green: We're going to have libraries in schools with no one trained to run them, so obviously the access is going to be limited. When we run this new bill through, we're going to have less access to the public libraries, contrary to the previous speaker. The whole reduction, the whole package is to take the money out. It's going to end up, whatever you want to go at it, with fewer libraries, fewer buildings, so there will be less access. Students will suffer. Down the road it's literacy. It's quite clear that when people don't get a quality education, when they can't access information, they become a much more violent group.

The Chair: Thank you, Mr Green, for coming forward and making your presentation today.

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 2855

The Chair: Would Andrew Preston please come forward. Good morning. Welcome to the committee.

Mr Andrew Preston: Good morning. I'm Andrew Preston, the recording secretary of Local 2855. On behalf of our membership, I'd like to thank the committee for providing us with this opportunity to express our views and concerns on Bill 109.

Local 2855 of the Canadian Union of Public Employees represents all the non-management employees of the Thunder Bay office of the Northern Ontario Library Service. Under the Ontario Public Libraries Act, 1984, the mandate of the Northern Ontario Library Service is to deliver programs and services on behalf of the Ministry of Citizenship, Culture and Recreation. One of its roles is to assist public library boards in northern Ontario by providing them with services and programs which reflect their needs. These include consultation, training and development services. Another key role is to work towards increasing cooperation and coordination among public library boards in order to promote the effective delivery of library services to the public of northern Ontario.

By the nature of our work we, the members of Local 2855, are in close contact with the public libraries of northern Ontario. We therefore have a very clear idea of the acute problems they currently face, especially the smaller libraries serving populations between several hundred and 5,000 people. The restructuring of municipal services currently under way will only intensify an already serious and deteriorating situation due to major funding cuts in the provincial base grant to public libraries. All public libraries, regardless of size, are suffering as a result of these cuts. While it is true that some small northern Ontario libraries are exceptionally well supported by their local community, in general the libraries in small communities rely more heavily on the provincial grant than do those in the major population centres of Ontario; consequently they're more seriously affected by these cuts.

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Our presentation will therefore focus mainly on the effects of Bill 109 on the smaller public libraries served by our organization. The thrust of our recommendations will be on changes to the bill which will concretely help the smaller libraries and help them to continue to provide effective library service to their communities.

This presentation will address the areas of funding to libraries, governance of library boards and access to library facilities and collections, in that order.

At this point I would like to accentuate the positive. There's good stuff in this bill and what we are particularly happy to see is that the legislation provides for the retention of library boards. We consider that very important. Secondly, it recognizes the importance of free access to information. Those are very important. I'll be speaking to those a bit later.

At this point, I'm going to jump ahead in my presentation. I'm going to take you to the very last page and I'm going to read out the recommendations. This presentation's pretty long so I thought I'd get to those right now and then speak to them afterwards.

It's our opinion — I'm speaking for CUPE Local 2855 — that Bill 109 can be improved by incorporating the following recommendations into the existing legislation:

First, the province, through the cultural partnerships branch of the Ministry of Citizenship, Culture and Recreation, should institute a grant specifically targeted for the acquisition of new materials for small public libraries serving a population of under 5,000. I consider that one of our most important recommendations.

Second, there should be specific provisions in the legislation requiring that the day-to-day operation of public libraries be carried out by paid and trained staff as a condition of receiving funding and support from the province and its agencies.

Third, the provisions defining the composition, size, rules of operation and qualifications for membership for library boards, as stipulated in the Public Libraries Act, should be incorporated as they stand into the Local Control of Public Libraries Act.

Finally, all circulating library materials, regardless of format, should be available for borrowing free of charge by local residents in order to ensure free access to information and collections.

I'd like to talk about funding. Through the period of 1995-97 every public library in Ontario suffered an overall reduction of 40% in the amount of funding received through the provincial grant. Furthermore, the remaining 60% is to be phased out by 1998.

Under Bill 109 the province is withdrawing completely from funding to public libraries. Municipalities are to assume 100% of all library funding. Because of the additional financial responsibilities municipal councils will be assuming as a result of the restructuring of services, it is highly unlikely they will have the means to make up the resulting shortfall in funding. Indeed, they'll be hard-pressed to maintain the current level of their own share of funding to their local library, let alone increase it.

A more likely scenario is a further decrease in a library budget that has already suffered sharp cutbacks. Municipalities

cannot be expected to increase their funding to libraries when they are unlikely to have enough financial resources to meet all the new demands placed upon them through the transfer of services formerly funded by the province, services for which they must now provide 100% of the funding from local revenues.

This loss of provincial funding to public libraries has serious implications in at least two areas: library staff and acquisition of new materials. Many libraries have already had to cut back considerably on their hours of operation and programs and have had to let staff go. This can only get worse as the province completely withdraws its funding to libraries and municipal councils reduce municipal funding at the same time.

In some of the smaller libraries we may well see good, trained staff laid off because there's no money available to pay their salaries. A return to a volunteer-run library might well be one result of this. This would be a major step backwards, setting public library development back some 25 to 30 years. We're also likely to see a much greater unevenness in the provision of library service from one community to another than at present.

In libraries, one of the first areas to be negatively affected by a budget cut is the acquisition of new materials. A major reduction in funding results in few or no new books, tapes, compact discs, videos and other materials being bought. Regular addition of new materials is essential to renewing and revitalizing the library's collection.

Therefore, we recommend that the province, through the cultural partnerships branch of the Ministry of Citizenship, Culture and Recreation, institute a grant specifically targeted for the acquisition of new materials for small public libraries serving a population of under 5,000. This would go a long way towards enabling the small libraries to provide newer materials to the populations served by them. Most of the budget of these libraries now goes toward operating costs for staff and buildings.

We also recommend that the legislation require that the day-to-day operation of public libraries be carried out by paid and trained staff as a condition of receiving funding and support from the province and its agencies. Now that even small libraries are moving into automated operations and the information highway, it's all the more crucial that they be run by trained, knowledgeable staff. The cultural partnerships branch should make available to libraries a grant specifically targeted towards ongoing library staff training in order to facilitate this.

This measure would also help ensure at least a minimum standard in the provision of library service throughout the province. Generally speaking, paid and properly trained library staff ensure a consistency and regularity of service which volunteers are not usually able to provide because they lack the requisite skills in running a library.

By the way, I'm not knocking volunteers. I'm one myself for about three different organizations. That's why I know the difference.

I'm going to try and cut this a little short, if I can.

Library boards: We were happy to see that the legislation provided for the retention of library boards. What dismayed us most is that there is no definition in the

legislation of what constitutes a library board. This allows municipal councils a complete free hand in determining the composition, size and rules of operation for library boards and the qualifications for board membership. There's absolutely no requirement that citizens form a majority of members on the board.

We feel that the legislation is seriously flawed for that reason and that there needs to be a common province-wide model for a library board. There must be some definition, there must be some minimum size for board membership and a minimum number of board meetings per year and the legislation should and must emphasize the requirement for majority citizen membership on library boards, as is the case under the present Public Libraries Act.

We recommend therefore that the provisions defining the composition, size, rules of operation and qualifications for membership for library boards, as stipulated in the Public Libraries Act, 1984, be incorporated as they stand into the Local Control of Public Libraries Act, 1997.

There's a very strong case to be made for a citizen library board. Its focus is the public library and its main interest — I'd even say its *raison d'être*, if you want — is in providing effective library service to its community. Municipal councils don't have the same focus. Their role consists of providing the full range of municipal government services to their community, and library service is only one of many such services competing for slender resources.

With the extra responsibilities that municipal councils now have to take on because of transfers from the provincial level, they're even less able now than before to give proper attention to the local public library. An effective, autonomous citizen library board helps relieve council of the burden of governance of the library.

It should be noted, by the way, that under the Public Libraries Act municipal councils already have the necessary tools to effectively manage local library services, this through the appointment of board members and line-by-line approval of library budgets.

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I think you'll find that our section on access to library facilities and collections reflects a great deal of what's already been said. I'll just read our recommendation once more. We recommend that all circulating library materials, regardless of format — and that's the key right there, regardless of format — be available for borrowing free of charge by local residents in order to ensure free access to information and collections. I would also throw in free access to reference and information services.

We're opposed to user fees for the borrowing of materials in any format for the following reasons. User fees are a barrier. They're a barrier to access to library materials by less well-off library users and those on fixed incomes, especially seniors. In fact, they act as a deterrent to the use of the library. Also, user fees generate very little revenue for the library, and they can't even hope to make up for the shortfall in revenue due to budget cuts and the loss of funding. They can't even begin to do that.

That, essentially, is it. I would like at this point to thank you once again for providing our local with the opportunity to express our concerns and outline our views on the proposed legislation.

The Chair: There is only about a minute remaining for questions, so that will have to go to Mr Gravelle.

Mr Gravelle: Thanks a lot, Mr Preston. There were obviously a lot of areas you touched on. The one thing that I think needs to be noted is that it's become very, very clear, no matter where we are, whether it's Thunder Bay, London, Toronto or Ottawa, in small municipalities, libraries below 5,000, there is clearly a need, and I hope the government members have been listening to these —

Mr Young: Of course.

Mr Gravelle: Indeed they have, and I'm hoping they'll be sensitive in terms of amendments down the line, because it's very clear that unless there is some recognition made of the needs of the small libraries, they're going to close. We're going to have closures of branches and closures of libraries in small communities, and I take it you would agree that unless that help is forthcoming, that's what will happen.

Mr Preston: Yes. That special grant for materials to small libraries under 5,000 is key to maintaining the viability of some of these libraries.

The Chair: Thank you very much, Mr Preston, for coming in this morning to make your presentation.

UNITED STEELWORKERS OF AMERICA

The Chair: Would Moses Sheppard please come forward. Good morning, Mr Sheppard. Welcome to the committee.

Mr Moses Sheppard: Thank you, Mr Chairman. My name is Moses Sheppard. I'm a staff representative with the Steelworkers. We represent members, as is indicated on the cover, in Red Lake, Schreiber, Thunder Bay, Marathon, Shebandowan and Manitouwadge. Many of those areas, as you see, are very small areas. They have small municipalities with not a lot of tax base.

I know very little about libraries and their functions. I know very little about the library act. I know very little about Bill 109. But I do know something about oppression when I see it coming at me, and it is from that perspective that I've come to talk to you.

I'm old enough to remember that when libraries were simply places where you went to borrow a book, and that's what was there, books. They had nice rows and rows of shelves. As I understand it, and I've been in libraries recently, they've changed a good deal since I was a boy. They now contain a lot more than books. There's a variety of information services, although the Thunder Bay library staff tell me that essentially libraries are predominantly books. The single largest element that they deal with is books.

Let me just be a little silly for a moment, because I have a sense that this is a waste of my time anyway. I have a sense that this is a waste of all of our goddamn time. But you see, I'm old enough and silly enough to believe, as a boy, when I read a book, that I could be at the top of the mountain with the explorer. I could be in the ocean with Cousteau. I could be present at the great

events, the great discoveries of our time. That's what books did for me.

I'm told that your bill will rip, snatch away from the Thunder Bay library system about a quarter of a million dollars. That will result in a diminution of jobs and services, and it is the service that I've come to focus on, because the professional librarians and the people in the professional service will talk to you about their jobs and their collective agreements, and clearly as an industrial union we would want to maintain those and enhance them where it's possible.

But my understanding of your bill is it's designed to do three things: It will change the method of governing of public libraries; it will cause funding for libraries to become the responsibility of the municipality; and provincial grants to libraries will be phased out. Those three things, we think, will result in user fees becoming part of everyday life. We think these measures are regressive.

We live in an information age. We live in the information age. We are told that the currency of the future is information. If that's the case, why would you now want to restrict information access? Surely the children of this province, if indeed they are to compete on what you people think is the level playing field, ought to have access to the information of the present. Your proposals will deny them that.

User fees will ensure that a number of library users will be restricted in what they can access. The working poor, the unemployed, welfare recipients, those who are ill, those who are diseased will be hard-pressed to find extra dollars for user fees.

Many of them are already having trouble finding enough to eat, thanks to your policies. We are told in the city of Thunder Bay that a good number of children are going to school hungry. It has been my observation over the years, and if any of you are familiar with history, in particular Eastern Europe, you will know, that you cannot teach a hungry person anything. You're wasting your time. If we have hungry children in school, you might as well shut them down. You might as well burn them. Nothing is happening there.

Your proposals with respect to governance and your withdrawal of provincial funds will lead to a fractured, fragmented and ineffective library service. We will wind up with a czar of books, and I don't use the word "czar" frivolously. Or maybe a number of mini-czars of books across the province. We have gone through some of that in the life of this province.

The ability and the kind of library you will have will depend upon where you live. It will depend upon the number of rich people or the number of rich companies. The ability of the local community to raise funds will determine what level of library service is to be available.

Imagine a municipal government, any municipal government, sitting down, and there's a debate about potholes versus Proust, dog-catching competing with Dostoyevsky, sewers competing with Shakespeare. Who the hell do you think's going to win that debate at the local level? And if you drive around the city of Thunder Bay these days and look at potholes, I hope to hell they do a better jobs with libraries than they do with fixing those.

If you don't pay money into the system, you don't get to make the rules. The old axiom still prevails, "He who pays the piper gets to name the tune." You can sit in Toronto and you can pass all kinds of regulations; the guy who's paying the bill will tell you to get lost.

I spoke a little earlier about the whimsical part of the library. I know that some of you don't believe in whimsy. You ought to. You ought to believe that it's okay when you're a little person to have imaginary friends and to visit imaginary places. It's okay to have the imagination of a little person stimulated. Don't deprive the children of the sick, of the welfare recipients, of that treat.

I know that the Tories are big on saving money. You're big on delivering services at less cost. In my house, I remember my children on rainy afternoons and sunny afternoons lying on the floor with a book, completely impervious to anything else in, on or around them. You could almost hear the great sucking sound of information as it passed from the book to these children. Don't take that away from children, the ability to access all books, all information.

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A book can be carried around fairly easily. You don't need any auxiliary equipment. They're designed to last. You can read it anywhere, under any condition, and in the reading of it and the ingesting of the information, it doesn't disturb other people. That's something you might want to think about as well.

Books and the library information systems are essential food for intellectual development.

Scientific and technical developments are taking place rapidly in this society. No one individual can afford to be on top of all of that if they have to buy those books, and we believe it is the duty of the state to make those things available and to make them available without cost.

Just briefly, I want to talk to you about things that are injurious to books, things that harm books. There are book lice, there are scorpions, there are book worms, quite apart from people who read books. In my lifetime, there have been a number of enemies of books. Some of you will remember Peterborough about 10, 12 years ago. They wanted to ban the books of Margaret Laurence because they were obscene. Can you imagine? Margaret Laurence obscene? Salman Rushdie at the moment is wandering around the world, trying to escape the Muslim fundamentalists. And of course we had our old friend Adolf Hitler, the granddaddy of book burning.

We'd like now to amend that list. We'd like to put on that list Mike Harris Tories, Ontario, 1997.

We should also remember that Canada, in terms of literacy in the industrial world, doesn't perform very well. Making information services less available, more difficult to access, isn't going to do very much for literacy rates.

Finally, my industrial union has a recommended reading list for Mike Harris Tories. It's kind of like Dave Letterman's top 10 list: (10) How to Listen; (9) How to Win Friends and Influence People; (8) One Flew Over the Cuckoo's Nest; (7) To Kill a Mockingbird; (6) Inherit the Wind; (5) Foxfire — I understand some of you want to ban Foxfire; shades of Peterborough. You should be ashamed of yourselves.

(4) Fiscal Crisis of the State; (3) Fair Taxation in a Changing World; (2) The Moral Basis of a Backward — or a bankrupt — Society; and finally, Robin Hood, and we've combined Robin Hood with the King James version of the Bible because in many ways they say the same things. They talk about taking from the rich and giving to the poor. The Bible supports that. And while some of you may not have heard of Robin Hood, we thought you might have at least heard of the Holy Bible. Thank you, Mr Chairman.

The Chair: Thank you very much. We have about a minute per caucus for questions.

Mr R. Gary Stewart (Peterborough): Thank you for your presentation. You make reference to the Holy Bible, sir. I would suggest that your language when you appear before hearings should be changed a wee bit.

Mr Sheppard: Is that a question or an editorial?

Mr Stewart: You can take it any way you want. I just feel that this is no place to be using the Lord's name in vain.

I guess my concern is that you make reference to people not having access to libraries any more. If you look at the Who Does What panel, which made some major proposals, it's suggesting that the dollars the taxpayer pays will be left in the municipality for them to deliver the services in the best and most efficient way possible.

The difference in downloading — and needless to say we are doing that from the federal government to the provincial government to the municipalities — is we're leaving the money with the municipalities to spend on the services we feel they can deliver best and most efficiently. Do you not have confidence in your local representatives, whom I assume you elected, to carry out this process of delivering the services locally?

Mr Sheppard: I've issued an invitation to you. When you finish your hearings today, drive around the city of Thunder Bay. Count the number of potholes that you fall into, and in competition for libraries versus filling up holes, what do you think will win? I was on a municipal government; I know who will win.

Mrs Lyn McLeod (Fort William): I don't, in a minute's time, have an opportunity to debate the statement that was just made, that the services being downloaded to the municipalities are ones they can best provide, nor the fact that dollars are being left in the municipalities when there's at least \$1 billion at this point in extra costs being downloaded to municipalities.

What I'd like to ask you comes to the downloading. You made a couple of statements. One is the tradeoff between potholes and Proust, and the other is the fact that the state has a responsibility to ensure some equality of opportunity for its citizens, in this case specifically the opportunity to read and to access information. Would you feel the same thing is true as the government looks to download not only responsibility for libraries to the municipalities but also responsibility for long-term care, for social housing, for child care, for public health, for ambulance services? These are the kinds of choices that are going to face municipalities, not just the potholes versus Proust, but the choices between libraries and all of these other services. Do you think these are all areas in

which the state is setting aside responsibility for equality of its citizens?

Mr Sheppard: Indeed, but I find something really perverse when we deal with little people, because libraries are essentially, as I understand them and as I view them and my usage of them, for little people. They go there to work on projects. It's our future we're tampering with. Maintenance and sustenance of old people is important, the age is important, all those issues are very important, but you're playing with your future.

This group here talks about a future that's technologically correct. They talk about doing it correctly. I don't know of anything that's more efficient in providing that service than a library. They're sucking and blowing at the same time. My friend will be annoyed, I know, but I think the Bible would approve of terms like "sucking and blowing." Of course, these items are important.

Mr Martin: Moses, you've done it again in your own inimitable and real way: made the connections. Sometimes in the business of doing government you've just got to call a spade a spade, and you've never been, in my experience, afraid to do that, so what you present here this morning I know comes from your very real experience of what's happening out there.

I just want to connect your presentation to one that happened earlier this morning on the issue of librarians, who work very hard to be the best that they can be in their profession. They study for a long time. They upgrade themselves in their profession. You represent workers. Here we have another class of workers. They are going to, a number of them, lose their jobs. Where do you think they'll be able to find other places to use that tremendous resource they have invested in over a number of years when the libraries disappear?

1040

Mr Sheppard: I'm not so sure they will be able to. If the province takes the view that these things aren't important, then I'm assuming it wouldn't be unreasonable for me to assume that industry will think they're not very important and that nobody else thinks they're very important. People look to their government to establish some rules. They look to their government for fairness and for decency and for equality, and when the government abandons those things, I fear those people will not find jobs. I don't know where they will use those skills they've acquired.

It is our view that all workers, and it doesn't much matter what they do, earn their living. They do good stuff. The key for any government is to determine where we want to be in the long term, what we want Ontarians to do, to know. Ontarian kids, where do we want them? How do we want them to fit into the universal scheme of things?

This government takes the view that it isn't very important, "To hell with it. Let's get some money into the hands of the big banks. That's important," and eventually we'll all be trickled on and maybe the librarian can get a job picking up paper wrappers. With Tories, that will be the association.

The Chair: Thank you very much, Mr Sheppard, for coming forward and making your presentation to the committee today.

Mr Young: On a point of personal privilege, Mr Chairman: For the record, I think Mr Sheppard should know, and I'd like the audience to know today — because I've been accused of this — I do not and have never advocated banning books, and neither has any member of this government.

The Chair: Mr Young, there isn't a point of privilege there. I understand it's a point you want to make, but it's not a point of privilege and it's not to be made in committee.

THUNDER BAY PUBLIC LIBRARY

The Chair: Would Margaret MacLean please come forward. Good morning, Ms McLean. Welcome to the committee. I'd appreciate it if you'd both introduce yourselves at the beginning for the benefit of Hansard and committee members.

Ms Carole Aitken: I'm Carole Aitken, with the Thunder Bay Public Library.

Ms Margaret MacLean: Good morning. My name is Margaret MacLean. I am the chair of the Thunder Bay Public Library Board. I also represent Thunder Bay on the board of Ontario Library Service-North. I am the chair of the department of library and information studies, which is responsible for the library technician diploma course at Lakehead University.

First, I would like to express my appreciation and that of the board to this general government committee for your coming to Thunder Bay to consult with people from northwestern Ontario about Bill 109.

I'd like to give you some background. The Thunder Bay Public Library came into existence in 1970 with the amalgamation of the former cities of Port Arthur and Fort William. The first public libraries were established in Port Arthur and Fort William around 1910. We are fortunate enough to have a still active Carnegie library as our Brodie Resource Library, on the south side of Thunder Bay.

The province has seen many changes in the over-100-year history of Ontario's public libraries. Like all communities in Ontario, the Thunder Bay Public Library offers free access to information and leisure resources, delivers programs and services to the citizens of Thunder Bay, and cooperates in the province-wide public library network, in order to support lifelong learning, research and leisure activities. We are currently pursuing a strategic plan which will see our library evolve as an electronic gateway to a wealth of electronic information resources. This presentation will focus on three issues: fees, funding and governance.

Fees: The Thunder Bay Public Library board is currently struggling with the difficult task of policy analysis on the issue of charging fees for library services. In fact, on April 14, the board is holding an open meeting to discuss the issue of fees. The views in this section reflect my own personal point of view and not those of all members of the Thunder Bay Public Library board, as the board is still awaiting more public input to our decision.

The current Public Libraries Act protects free access to libraries, the materials they hold and the services they

offer. Bill 109, if passed without amendment, could change all of that. Libraries would now be able to charge fees of any kind except for access to the building itself, the borrowing of print materials only and the borrowing of materials specifically for people with disabilities. The problem with this is that we presently live in an information age. For many people, the public library is the only source of information in electronic form. All Ontarians must have free and equitable access to the effective and efficient information infrastructure that is offered through our public libraries, where materials in all formats should be available at no charge.

Charging fees is an expensive, labour-intensive undertaking, especially when one considers fees which must be collected for a huge variety of transactions. The potential of revenue generation and the cost of collecting that potential revenue needs to be very seriously considered in the context of any fee structure. I believe what the government has suggested is seriously flawed and will not serve the public library community well. If we charge for the borrowing of non-print materials on a per-transaction basis, the creators of those materials would have every right to request that we share the revenue with them. This copyright issue has been ignored completely in this legislation and could prove detrimental to public libraries trying to implement it.

The face of the public library is ever-changing as we respond to new information technologies. New electronic resources and service possibilities are now available and will affect library service in a positive way. In fact, government information is increasingly only available through the Internet. It does not make sense for the government to allow libraries to charge for electronic information that used to be freely available in print form and is now electronic in order to save governments the costs of printing and disseminating this information.

Libraries are viewed by the community as the natural access point to electronic government information and a huge amount of information that is only available on or through the Internet. Will an urgent need to diversify our sources of revenue now force us to charge the public fees for access to the documents of their own federal and provincial governments on line because they are no longer available in print format?

The public library must be allowed to offer these services free to the whole community. Bill 109 must be amended to guarantee the preservation of free library services to all. The province must reaffirm its commitment to the principle of free access to public libraries for all materials, regardless of format. Libraries must remain a publicly supported institution. The possibility of charging fees does not present libraries with a new gold rush of revenue to replace what is being lost from government support. What will happen to those library users least able to pay for these fees? Should not their rights be guaranteed?

Funding: The Thunder Bay Public Library used to receive almost \$400,000 in revenue from the province as a public library grant. In 1995-97, we lost 40%, and the rest will be phased out by 1998. User fees cannot begin to make up this shortfall. Given declining revenues, how

do libraries continue to provide a high quality of public library service and meet the demands of new electronic and communication technologies without cuts to staff and hours of operation, both of which cut at the heart of public access to library resources?

The loss of the provincial per-household grant results in disproportionate damage to all public libraries and their communities. Three townships have transferred the provincial library grant to the Thunder Bay Public Library, which in turn provided library services to their residents. Effective 1998, legislation will abolish this grant entirely, thus threatening the existing partnership with these communities unless the province offers an alternative way of financing such cooperative services.

The withdrawal of provincial funding is a financial blow to all libraries, but especially to the small libraries in northwestern Ontario, which will most certainly be unable to continue their role in literacy, reading, information services and cultural enhancement. The isolation of all northwestern communities, including Thunder Bay, where information is not as readily accessible as in the Golden Horseshoe area, makes the loss of the public library grant even more serious. This leads to an inequitable service in the north as opposed to what is available in southern Ontario. Public libraries must remain a provincial priority.

Governance: Public library boards comprised of citizen volunteers with municipal representation have been an effective form of governance for public libraries in Ontario for many years. They have provided skilled management of our public libraries and dealt with complex issues like intellectual freedom and censorship in the best interests of the community. The participation of these volunteers — and I stress that they are volunteers — who possess multiple skills, enriches both the library and the community. The criteria in the Public Libraries Act, 1984, combined with a wise board recruitment program, has resulted in success for the Thunder Bay Public Library in bringing skilled library trustees to the table. When looking at the accomplishments of our board, one starts to get a sense of the deep level of commitment and involvement that each and every one gives to the work of the board.

Bill 109 will allow the municipality the responsibility for the governance of libraries where in the past municipal control was through three streams: appointment of the board, appointment of municipal councillors to the board and controls on the library budget. Autonomous library board governance must remain in order to give the users of public libraries some influence over their governance. Public library boards should be composed of a majority of citizen volunteers who are responsible for public library services.

Small public libraries in northwestern Ontario are certain that their facilities will cease to exist if the Public Libraries Act is withdrawn and governance rests with local municipalities, which would not be as supportive of the library community. Public library boards in their present form must be continued, as they are both cost-effective and save the time of city councillors who are already overburdened with other municipal concerns and issues.

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The legislation must address composition of the board, citizen majority and minimum number of members, qualification of board members, frequency of meetings, advertisement of vacancies, and the requirement that meetings be open to the public.

In conclusion, we believe in the stated intention of Bill 109, which is to protect a basic public library service. We offer our concerns as suggestions for amendments to Bill 109. The potential loss of public library boards, the possibility of user fees, and the cuts in funding contained in Bill 109 represent a loss to the individual citizen of the opportunity to participate in community life and of direct access to information.

The consequences of Bill 109 threaten the very principle of democracy based on an informed electorate. Libraries play an integral role in educating the public in a presently knowledge-based society where core services are rapidly becoming not print-based but electronic-based.

It is essential that the provincial government not separate itself from current public library legislation, regulation and funding. The provincial government must provide the leadership necessary to facilitate and encourage the improvement of free access to all forms of information and resource-sharing networks; the reduction of local and regional inequities by continuing the public library grants legislation that specifies citizen majority representation on library boards and minimum number of members, qualification of board members, frequency of meetings, advertisement of vacancies and requirement that meetings be open to the public; and the building of a provincial information infrastructure.

The Thunder Bay Public Library slogan is "Connecting People to Information." Let's not break the connection of people to libraries and of libraries to libraries.

The Thunder Bay Public Library board would like to once again thank the committee for the opportunity to present our views on the impending library legislation.

The Chair: Unfortunately, there's only about a minute remaining, so I'm going to have to go to a single caucus and that will be Mr Martin.

Mr Martin: Thank you very much for presenting this morning. I think it's important for you to know that we consider this piece of work really important, that we consider what's being proposed here as having some very significant consequences for you.

We've been on the road for four days now and the number of people who have showed up in support has been overwhelming. For presentations today in Thunder Bay we have a standing-room-only crowd. It was the same in Toronto on Monday and yesterday in Ottawa, all day long.

Ms MacLean: People are concerned about the libraries.

Mr Martin: You may note that this morning we even had, in the north particularly, people who have driven here from as far away as Bruce Mines because of their concern regarding this. You made the same points this morning, in a very eloquent and focused fashion, that we heard consistently over the last four days.

Ms MacLean: Thank you.

Mr Martin: The issue of governance is a problem; the issue of fees is a problem; the issue of the provincial presence is a problem to a lot of people with regard to this bill. In Thunder Bay particularly, and I'd like to maybe focus on that for a minute because there was some talk about it earlier —

The Chair: Mr Martin, I apologize for interrupting, but you only really had about a minute remaining and to focus on something for another minute would be impossible.

Mr Martin: Could I ask a quick question, then?

The Chair: Yes, really quickly, please, because we're already beyond the time.

Mr Martin: The tax base in Thunder Bay and the ability of the municipality to pick up the slack.

Ms MacLean: I don't believe revenue-neutral actually fits the bill because we will not be receiving the same funding we have received in the past, given that we will no longer be receiving the provincial public library grants. The funding will be different and we will have less money, revenue-neutral or not.

The Chair: Thank you for coming forward and making your presentation.

CANADIAN LIBRARY ASSOCIATION

The Chair: Would Karen Harrison please come forward. Good morning and welcome to the committee.

Ms Karen Harrison: Thank you very much for the opportunity to be here. Let me take this opportunity to welcome you to one of Thunder Bay's downtown areas. I'm Karen Harrison. I'm president of the Canadian Library Association and I'm also chief librarian of the Thunder Bay Public Library.

The Canadian Library Association, founded in 1946, is a national association dedicated to the provision of leadership in library and information services in Canada for the benefit of association members, the profession and Canadian society. Our membership comprises personal and institutional members from public, university, college, business and government libraries, as well as commercial members from the information industry. We number about 4,000 and we are not funded for our operations by any government agency except for government libraries that are members.

Canadian Library Association members are committed to open access to information for all Canadians and recognize the important role played by Ontario public libraries in the economic and educational life of this province. I personally appreciate that the committee has come to Thunder Bay to give me, as president of the Canadian Library Association, the opportunity to affirm two values which we hold in regard to fees and to governance of public libraries.

After discussion of the major legislative changes proposed in Ontario, the association's executive council examined its current position statement on public library boards and voted to reaffirm it:

"The Canadian Library Association, as a national body with two divisions (the Canadian Association of Public Libraries and the Canadian Library Trustees Association) devoted to the promotion of library service, maintains an

advocacy position in affirming the role played by existing public library boards (municipal, regional and provincial) in developing effective public library service in Canada."

Council members noted that Ontario was a leader in developing library services in Canada and that the earliest model for free public library service has included governance by a citizen board. This practice was emulated by other Canadian provinces.

I would like to draw the committee's attention to this report, *Sustaining a Civic Society: Voluntary Action in Ontario*, received in my office from Premier Harris in early March of this year. The value which this report promotes and which the government's program promises to strengthen is "that the voluntary sector is essential to healthy communities as are the public and private sectors."

The presence of a citizen majority on public library boards enables public libraries to be seen by library users as independent from municipal government at the same time as they are being funded by municipal government. We are trusted to be able to collect and present information to the community in an unbiased way, focusing on both sides of municipal issues.

1100

In Thunder Bay, we had a major intellectual freedom issue in 1992-93. Thunder Bay city council trusted the Thunder Bay Public Library board to re-examine the title in question and its materials selection policy, and explicitly chose not to enter into the discussion of what materials were appropriate for public access in the library and what materials were not. Intellectual freedom is best protected when it is at arm's length from direct political pressure. It is for this very reason that the province itself has such bodies as the Ontario Arts Council and the Ontario Film Review Board.

Under the proposed changes to the act, library boards as we know them could be disbanded and a committee of council or any municipal administrator could act as the public library board. With no criteria for appointment or frequency of meetings, pro forma boards become possible. Currently, the municipal council has enormous influence over the makeup of the public library board with complete control over the appointment of citizen volunteers and the potential for one less than a majority being members of council.

Public library boards represent the community interest, that is, the users of public library services in the management of the library, and as such actually give the public more control over the library operation and a higher degree of responsiveness to public needs than if extremely busy members of council constituted a majority of the board. Public library trustees are library advocates. The voluntary action report recognizes, "Voluntary action includes advocacy as an essential part of democracy." The advocacy of public library trustees has been important in convincing municipal councillors and indeed the provincial government of the importance of public libraries in the economic, cultural and recreational health of our communities.

Because the Canadian Library Association has a long history of commitment to universal access to information, the executive council also voted to continue to support

free public library service: "CLA opposes user fees for library services as a detriment to universal and equitable access to information."

The role of the public library as information safety net for both traditional library materials and now for access to a wealth of electronic information, including the Internet, is jeopardized by user fees. Many Canadians have no other source for print and non-print items. The province is actively involved in encouraging and in enabling our public libraries to move into a digital environment. Five years from now, our libraries will very likely present a substantially different menu of services to our users, as our knowledge society rapidly moves from a print-based one to an electronic-based one. To establish a fee structure which could restrict public access to information available in electronic format, including government information which is not available elsewhere, is undemocratic.

I would like to further comment that there is no direction in the legislation that if fees were charged, those who could not afford to pay these fees would be guaranteed access to library services and not just access to the building and the collection.

With the huge loss of the provincial operating grant and encouragement from municipalities which cannot make up the shortfall, the pressure, both internal and external, to diversify our incomes through fees, sponsorships, fund-raising and other entrepreneurial undertakings is enormous. However, the government's proposal to end its operating grants to libraries, even though making it possible to diversify income sources, could very well lead to the closure of some libraries in smaller communities where they have already made substantial cuts to their operating budgets and where the ability to earn income through fees, fund-raising and sponsorships is minimal.

The Who Does What panel has acknowledged that Ontario's public libraries are "among the best in the world." In her speech to the Ontario Library Association in February of this year, the Honourable Marilyn Mushinski said, "There is no doubt that our library system is one of Ontario's greatest cultural and economic assets."

Through initiatives like Network 2000, the government has indicated ongoing support for the development of complex library networks appropriate to the future development of our knowledge-based society. The library community certainly appreciates this recognition and the ongoing support, especially for network development.

I urge the government of Ontario to preserve the role of the public library board with a citizen volunteer majority, as we know it, and also to guarantee equity of access to our networks and information resources for all Ontario citizens.

I would like to thank the government and the general government committee for coming to Thunder Bay and giving me and others in northern Ontario the opportunity of addressing you in person on these issues which are so important to all our communities and our library users.

Mr Gravelle: Thank you very much, Ms Harrison, for a terrific brief. You're wearing two hats, so I'm going to ask you a question based on your Thunder Bay library hat.

The point has been made by the government that the reason they're changing the citizen majority board is that there's a need for flexibility, a need to allow municipalities more control. We've heard from a variety of groups who have told us great administrative savings have been achieved under the government's present model and that the relationship works well. It might be useful to have you tell us how the budget is controlled and whether there can be administrative savings working with council and the library boards. How do they work together? What guarantees are there that the libraries won't go over budget? — things like that.

Ms Harrison: What happens in Thunder Bay is pretty typical of what happens in medium and large municipalities throughout the province, and that is that in the spring of the year usually, towards the end of May or the end of June, we're given budget guidelines by the city managers and we start to use these guidelines in the creation of our budget. If the library wants to exceed the budget guidelines, they need to go before council and argue their position.

The library board has no authority to borrow money. If boards want to borrow money for capital construction they'd have to, through the municipal process, debenture or get capital money. We have no authority to run a deficit budget. Certainly for Thunder Bay, if the library were to go into a deficit situation I don't think the Royal Bank would support us for very long.

We participate in the municipal audit. The municipality chooses our auditor, although we pay the auditor, and we're subject to the same kinds of audit guidelines that the municipality is. In addition, the municipality can require us to conform to municipal policies. In the case of Thunder Bay, the municipal purchasing policy is a requirement for the way we go about purchasing our goods and services in the community.

In addition, the board receives quarterly financial reports and a monthly financial statement of library operation which they examine at their board meeting. This is one of the reasons 10 board meetings a year is important, so the board is meeting regularly to eyeball the financial situation of the library. That's another control on library administration.

Mr Martin: It's interesting to get a Canadian perspective on this — you represent, as you say here, the Canadian Library Association — to hear you repeat some of the main items that have been highlighted for the last four days across the province: the issues of governance, of provincial funding, of fees.

You make a very valuable point in juxtaposing the position of this government on volunteers and voluntary action and the paper that was put out versus what they're going to do now re the question of how we run and look after and control our libraries. There is the perception being put out in many ways, not the least by questioning from the government members on this committee, that library boards are not responsible and accountable. Across the country, have there been a lot of cases where library boards have not been responsible or accountable? Is that an epidemic of some sort? Is there a problem there we're addressing here?

Ms Harrison: I've been a librarian for a very long time, and I have a long memory. My only experience with this was that in the very late 1970s the Niagara regional library system board went bankrupt. In fact, the board made the decision that it would pay off its debts, so the system reduced its library service to an absolute minimum for about a three-year period while it got itself out of the debt situation and paid off its creditors, and then amalgamated with what ultimately has become Southern Ontario Library Service.

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Mr Flaherty: Thank you, Ms Harrison, for being here this morning. I know you've thought a lot and written a lot about library issues. I've read some of the articles you've written over the years, and they've been helpful to me in understanding or trying to understand some of the issues.

When Bill 26 was in the formative stages, the concern in the library community, as I understand it from reading the material, was that (a) Crombie had recommended abolishing mandatory library boards in the province and (b) some people were recommending abolition of free circulation of books. This bill does neither of those. It maintains the library board structure and it maintains the free circulation of books.

Then today I hear comments about small libraries in northern Ontario somehow being in a worse position than small libraries elsewhere in the province, so I look at the statistics and say, "I guess I'll see that local support for small libraries in northern Ontario is low." The provincial average, we know, is 15% funding from the provincial government, so 85% funding from local communities on average. But when I look at northern Ontario, I see Atikokan at 93% local support, in Dorion township 89%, Cobalt and Timiskaming 90%, Ignace 93%, Geraldton 93%, Manitouwadge 90%, Marathon 92% — these are all small communities under 5,000 — Rainy River 91%, Red Lake 93% and so on. Then I see in Thunder Bay 91%.

Is there not strong local support for the libraries here that you would expect to continue through local pressure by the people who pay the rates, supported by their local councils? If the councils don't continue to support what the people want, won't you throw them out?

Ms Harrison: Actually, I agree with you. There is excellent support for public libraries throughout the larger communities in northern Ontario. There is serious concern for some of those municipalities of a population of less than, say, 2,000 or 3,000, where the distance is so great that you can't just pop into town where there is a library. It's not like southern Ontario where there's another community five or 10 miles down the road where there's a good library.

The Vice-Chair (Mrs Julia Munro): Thank you very much, Ms Harrison. We've run out of time. We appreciate your coming here today and bringing your ideas forward to the committee.

Ms Harrison: I'd like to invite members of the committee, if they're interested, during their noon break; we have two libraries in our downtown, either of which the committee might be interested in seeing, one of which is within walking distance. The other one, on the other side of town, is a rather lovely Carnegie library. If any

members of the committee are interested in having a library field trip in Thunder Bay, I'd be able to arrange it. Even though we are hard-pressed financially, we could probably scrape up a sandwich and a bottle of pop for members of the committee if they chose to do this.

The Vice-Chair: Thank you very much. We appreciate your invitation.

RED ROCK PUBLIC LIBRARY FRIENDS OF THE RED ROCK PUBLIC LIBRARY

The Vice-Chair: I call on Laurie Wright from the Red Rock Public Library. Good morning, Ms Wright, and welcome to the standing committee.

Ms Laurie Wright: I'm Laurie Wright, Ontario Library Trustees Association councillor for northwestern Ontario, and today I am speaking as the trustee with the Red Rock Public Library board.

Ms Delaine Todesco: I'm Delaine Todesco. Laurie has offered to share her time slot, since we have very short presentations compared to what a lot have been. I'm with Friends of the Red Rock Public Library. I'm also very nervous.

Ms Wright: On behalf of the Red Rock Public Library board, I would like to express our appreciation for this opportunity to outline our concerns about the proposed changes to the Public Libraries Act. We do indeed have several concerns about Bill 109.

We are grateful that library boards have been retained in Bill 109. They are one of the few areas of government where average citizens can have direct input and influence. Continuing this type of governance allows trustees to concentrate on providing the best service possible to the residents of their communities, service that is responsive to the needs and wishes of the patrons.

We're greatly concerned, however, that Bill 109 has no requirement that citizens must constitute a majority of the members on the library board. Removal of this requirement allows municipal councils to appoint members of council or municipal employees to the library board to the exclusion of the average citizen.

The provincial government states that because the municipality provides most of the funding for libraries, it should also have sole responsibility for them. I contend, however, that it is the citizens of the community who, through their taxes, provide the money to operate libraries and that they should be guaranteed a majority number of members on the library boards. Council still has control of the budget and board appointments, but municipal councillors and/or employees should only be allowed one member less than the majority. Library board members have helped to create an excellent provincial library system. We urge the provincial government to further acknowledge this contribution by including majority citizen representation on library boards in Bill 109.

Another area of great concern is funding. Libraries are already trying to cope with financial stress brought about by the reduction of the operating grant and the loss of special project grants. The withdrawal of provincial funding will continue to have detrimental effects on public libraries. Our small-town public library, for

example, is not able to comply with the threefold purpose as stated in Bill 109. It is increasingly difficult to successfully provide for our patrons' information needs. We cannot afford to be open the number of hours requested by the patrons and funds are not available to maintain a complete, up-to-date collection of materials.

The lack of special grants on the provincial level and of capital funding on the municipal level makes it almost impossible to provide "access to local, provincial and global information through a province-wide library network." The municipality, also a victim of provincial cutbacks, is not able to divert additional funds to the library's budget.

Municipal councils are concerned about dollars and cents, balances and bottom lines. They need to know that they have enough funding available to keep their community functioning smoothly and efficiently. In many cases, the public library is deemed a non-essential service, with funding being made available for its operation only after other important areas of the municipality have received adequate finances.

The proposed legislation does not prohibit public libraries from charging user fees. Members of the Red Rock Public Library board are concerned about several aspects of this issue. We see no positive consequences connected with user fees, only negative ones.

Patrons will be denied access to library resources if they cannot afford to pay the user fee. It is not always possible to sit in the library until one has found all the information one is seeking. The introduction of fees will result in a drop in library usage. This has been proven numerous times in other jurisdictions where user fees have been introduced. The amount of revenue generated by user fees will not provide sufficient funds to allow the library to function at its current level. The lack of provincial guidelines for user fees will result in inequalities throughout the provincial library system. If libraries are to be allowed to charge user fees, standardized guidelines for rates should be developed and included in Bill 109 prior to its passing.

With negative consequences such as these, our library stands to lose far more than it would gain from the introduction of user fees.

As I've already mentioned, the Ontario public library system offers excellent service to the residents of the province. Well-trained librarians and hardworking volunteer library board members have dedicated countless hours to the development and enhancement of the policies and services offered in our libraries. We depend on each other, and we endeavour to offer the same service and access to information, regardless of where we are located in the province. In this respect, we are similar to schools. We encourage the government to recognize the province-wide nature of the library system by establishing basic standards of library service and incorporating them into Bill 109 before it becomes law.

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Such standards should include basic requirements for trained library staff. Since librarians' jobs are much more complex than just lending out books, each library should be required to employ a specified minimum number of trained librarians. By "trained librarians," I mean those

who have been educated in the library field, whether it's through university programs or through the Excel program that is administered by the Ontario Library Service.

In smaller communities, it is not always possible for us to hire assistants who have been trained in the library field. In such cases, a requirement would be that a new employee would undergo the training in the Excel courses. Volunteers can form an integral part of a library's staff, but Bill 109 should require that a trained librarian be on duty each time the library is opened.

In conclusion, we recommend that the following five changes be made to Bill 109 prior to its passing:

That a majority citizen representation on library boards be included;

That the basic standards of library service be established and incorporated into the act;

That libraries be required to employ a minimum number of trained librarians; and

That provincial operating grants not be withdrawn and that standardized guidelines for user fee rates be included.

We thank you again for listening to our concerns about Bill 109 and for taking our recommendations into consideration.

Ms Todesco: As a Friend of the Red Rock Public Library, I am a member of a community-based support group independent of the library board and library staff. Our group promotes and supports improved library service to ensure that the library is able to meet research, informational and recreational needs, and aids in providing extra funds for special projects outside the regular operating budget.

Our library's mission is to provide equitable access to information, library services and other resources to all members of our community.

Having read the fact sheet, Local Control of Public Libraries Act, 1997, issued by the Ontario Ministry of Citizenship, Culture and Recreation, it would seem that equitable access will have to be removed from our mission statement if Bill 109 is passed.

By limiting free access to print material only, the government is encouraging a two-tiered library service. The free borrowing of all circulating library holdings as the present Public Libraries Act legislates is the tradition that should be preserved and safeguarded. Rates and fees for other services are being adequately determined at a local level according to local priorities at present.

In addressing the funding issue, it's my understanding that Ontarians support libraries with their tax dollars at both the provincial and municipal levels. With the provincial withdrawal of operating grants, funding responsibilities for libraries will be devolved to our local government. Presumably this won't be a problem since funding of education is to be removed from municipalities, thus giving local authorities greater financial flexibility to fund our libraries.

I would like to know how this is going to happen since many of us are wondering how municipalities are going to meet their monetary responsibilities outlined in the Minister of Community and Social Services' announcement: welfare funding to be shared 50-50 between province and municipality; management and funding of social housing to be transferred to the municipality; full

funding of public health programs to the municipality; financing of land ambulance services to the municipality; and I would be remiss in not mentioning the 50% funding provision by the municipality for long-term-care services.

What's going to happen to our public libraries? Bill 109 states there will be no requirement that citizens must constitute a majority of the members of library boards. Take away majority citizen representation and you take away the community autonomy of the library. Let the people who really care, at no cost to the taxpayer, continue to oversee the operation of our libraries. Libraries are part of a healthy, supportive community environment. They are easily accessible to our children, our youth, our middle-aged and our elderly.

Libraries are not made; they grow. Free access to all information should be preserved and safeguarded. If user fees are to be imposed, standardized guidelines should definitely be developed.

Governments have a responsibility to ensure that library services are not threatened because of a lack of financial support. The diversity and specialization of library interests today commands majority citizen representation on its boards to best respond to the needs and wishes of the patrons. Libraries must remain a centre for lifelong learning.

Respectfully submitted.

Before you ask if there are any questions, could I make a comment?

The Chair: Sure. It's your time.

Ms Todesco: When you're talking about the percentage of funding from the municipality for libraries right now, one of the things that I think gets missed is, if our library is funded 90% by our municipality, that means the other 10% is provincial funding through the grants. If you take that away from some of the libraries, that obviously represents loss of jobs, cutback in hours. Our library has already suffered cutbacks. That 10% from the province might be a drop in the bucket to you, but to us it has a big meaning and I get the sense that's something that's being missed here. That 10% that you're funding is important to us. That's all.

The Chair: We only have about two minutes remaining, so in that rotation it's the government caucus.

Mr Young: I do want to point out that this exercise of Who Does What is meant to be — and it's still in mid-process — a revenue-neutral process; that is, we take back \$5.4 billion in education funding and we give the municipalities the same amount. That's what we're struggling with. It's not an easy process, but that's what it's about. So the assumption that your funding will be cut I think is an inaccurate one.

We heard yesterday at a library in Ottawa that the former government, the NDP, had been cutting library programs for years, back from 1990 and on. So they made some difficult decisions as well.

We've heard some exciting things about innovations. For instance, in Halton where I live, they have the Halinet network, which is a network for business. Business pays for it, it's tax-deductible for them, and they get information. The opportunity exists to take that revenue and buy more books, to put more books into children's hands. The issue isn't, can children get materials at the

library? There's no change in the bill to this; we guarantee it. The issue is, what can children take home?

In some of the other places, for instance in Cambridge, they've combined with a school and they're putting a public library in a school. In Windsor they have a woodcarvers' museum which brings in revenue, they have an Internet café which brings in revenue, and they partner with the police service and board of ed. So if you can get revenues from other sources with partnerships, you might actually be able to put more books in children's hands, or more materials, more information for them to take home. Can you see that possibility?

Ms Todesco: Yes, I can, but you also have to see that coming from a small community of about 1,200 people, where the sole industry has been quite strapped, there are only so many pockets that you can reach out to. Every organization is doing that.

Mr Young: But you see, this legislation would free you to partner with other libraries, with other organizations on a much broader base and find your own solutions.

Ms Todesco: And if other libraries are feeling the same problems?

Ms Wright: We've been doing this for years, if you'll excuse my interruption. We have been sharing with people in the northwest, we have been sharing provincially, and we are at the point where we have nothing left that we can share because we are being cut back.

We have a paper mill industry town. Two weeks ago the paper mill was in such bad straits the whole thing was shut down. We cannot partner with them. They cannot function themselves, they're having trouble. We cannot expect our municipality to give us the percentage, the \$3,000 we're going to lose next year that we get in our provincial grant, because our municipality is getting \$140,000 or something less from the province as it is.

The Chair: Thank you, ladies, for coming forward and making a presentation to the committee.

Is Michael Ballantyne here yet? I don't think he is.

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FRIENDS OF THE THUNDER BAY PUBLIC LIBRARY

The Chair: Would Janine Chiasson please come forward. Good morning and welcome to the committee.

Ms Janine Chiasson: My name is Janine Chiasson. I'm here representing the Friends of the Thunder Bay Public Library. The Friends of the Thunder Bay Public Library is pleased to have this opportunity to speak before the standing committee regarding the proposed changes in Bill 109.

By now, you're probably familiar with the role of Friends groups, but I'll tell you what we do particularly and then I'll explain our particular concerns with the proposed legislative changes that will affect our library here in Thunder Bay.

The Friends of the Thunder Bay Public Library is a non-profit association of public-service-minded volunteers dedicated to promoting and supporting library service in Thunder Bay. The stated goals of the Friends are to: promote knowledge of and interest in the functions,

services and needs of the library; foster public support for the library and its development; help raise funds to purchase equipment and materials not available through the regular library budget; provide volunteer assistance at special program and community events; take part in lobbying and advocacy activities, as demonstrated by my appearance; and deliver materials to housebound library patrons.

In practice, these goals have seen the Friends take part in advocacy campaigns during municipal elections to ensure that prospective councillors are supportive of library goals and objectives. Most recently we did this in conjunction with the library's plan to open a new branch in an underserved area of the city.

The successful opening of the new branch in our County Park neighbourhood was in large part due to a significant fund-raising effort on the part of the Friends, who raised \$125,000 in their Bucks for Books campaign. This campaign saw the Friends doing things: conducting fashion shows, hosting bridge parties and country dances. We worked bingos. We sold raffle tickets, mugs, calendars and book bags. We canvassed door to door and we did dozens of other fund-raising activities that were often paired with the goal of raising public awareness about the forthcoming branch and the Thunder Bay library in general.

In short, the Friends were an integral part of a huge undertaking by the library, particularly in light of current fiscal restraints. It is an accomplishment that the Friends are particularly proud of and one that we are not certain could have been conducted in the new climate that proposed legislation has the possibility of creating.

Because the Friends are an association of citizens, I believe that we have an affinity with the library board as it currently exists, that is, made up largely of public-service-minded volunteers, such as ourselves. This citizen majority ensures that the board represents the true owners of the library: the taxpaying citizens of Thunder Bay. I realize that most of our council is taxpaying, but they're also elected, that being the difference.

Bill 109 could change what the Friends perceive as a good working arrangement for all concerned, that is, the library, the city, the board and of course in our case the Friends. By removing the necessity of a citizen majority, by removing the need for a certain number of board members and by removing the requirements for a specific number of meetings per year, the proposed legislation will, we believe, remove the library board's connection to its seat of authority.

If the board were comprised of a few members of council, or even of city employees, then where does accountability lie? In a worst-case scenario, the library could become run as merely another department of the city, and with the huge new responsibilities that are being downloaded upon municipalities, who will have the expertise or the time to concern themselves with the everyday workings of the library? Certainly not a council faced with the onerous task of incorporating dozens more services into its realm of responsibility.

What about issues of intellectual freedom? How will elected representatives deal with the tricky issue of censorship? Will our library become subject to the ethical

or moral stance of a council afraid to offend, afraid to uphold our citizens' right to intellectual freedom, even if it means deciding against a vocal and angry group?

With the current legislation in place, the board is able to operate at arm's length from council and hence inspires a certain trust on the part of Friends. As a group, we value our relationship with a citizens' board that we believe responds and reacts to our proposals and plans with interest and with flexibility. We are greatly concerned that whatever might replace the existing board will fall far short of the amenable relationship we currently have.

We are also of the belief that many persons who currently donate their time and efforts to the Friends group will not be willing to do so if they perceive the library to be just one more department of the city, competing with sewers, policing and playgrounds for both funds and attention. Currently, the library enjoys a degree of autonomy and a sense of a separate entity which, considering its specialized and very important role, we think is appropriate.

Friends is also gravely concerned with the abolition of provincial funding to public libraries. The library has already, over the past two years, received a 40% reduction in the money it receives from the province, which has not been made up by the municipality.

The removal of the remaining funds will deal a severe blow to a library already struggling to maintain quality and service. To suggest that the municipality will make up the difference in funding does not take into account their increasingly difficult fiscal picture, which is certain to become more strained as the province begins to devolve many more services into the hands of municipalities. Even if the city wanted to match the disappearing provincial funding, they are sure to have difficulty doing so.

Then there is the question of user fees and those who claim that these will be the magic money pot that will somehow balance the equation. This is simply not the case. For every introduction of fees there will be a proportionate number of library users who will simply cease to borrow or make use of certain library services. Despite this, there will be some revenue generated by user fees, but it can scarcely be hoped it will make up for the over \$250,000 that remains to be lost to the library budget from cuts to provincial funding.

Which brings us to the thorny issue of whether user fees should exist at all. The Friends are currently in the position of being an advocacy and fund-raising group that works to augment a library budget that provides services free to all. With this proposed legislation this will no longer be the case. Will we be fund-raising to improve services merely for those who can afford them? Perhaps certain services and materials will no longer be within the fiscal reach of all the Friends members. Will they want to remain Friends of a library to which they donate their time but which they feel excluded from because their donation is not hard currency?

While not affecting the Friends directly, it is of great concern that libraries across the province will become uneven in the level of service they are able to provide. Many small libraries will, without provincial funding, be

forced to close. As concerned citizens, the Friends argue strenuously against any legislation that we feel certain will create pockets in this province where library service will be greatly diminished or even non-existent. It should be the right of all citizens in this province to have access to library service, regardless of where they live.

We must not forget that in northwestern Ontario the struggle to maintain library service in small communities is even more arduous than in commensurate communities in southern Ontario. It costs more for basic overhead, for travel, for interlibrary loans, for shipping, for telephone. You name it, it costs more. It seems that the province's decision to abrogate funding to libraries will disproportionately affect the citizens of northwestern Ontario, and the Friends believe this is wrong.

In conclusion, let me reiterate the position of the Friends in the form of a few recommendations.

First, we see no need to change the existing Public Libraries Act with respect to the composition, qualifications, duties, size and reporting procedures of the board and recommend that the legislation of 1984 remain the same.

Second, we strongly believe that the end to provincial operating grants from the province will lead to a severe reduction in funding of libraries, which have already absorbed cuts from the province of 40% and cuts in municipal funding as well. The Friends recommend that the province continue to fund libraries to maintain an effective network of libraries in the province where users can have full access to library materials for information, for research, for lifelong learning and for leisure activities.

The Thunder Bay Public Library serves an important role in the community. It is not simply a place where people come to borrow books. People come to the library to read newspapers and magazines, to visit the reference desk, to attend seminars, to participate in children's activities, to use the Internet, to study, to read, to borrow audiovisual materials and simply to pass an hour or two in a welcoming, stimulating and blessedly free environment. Where else in the city can a citizen go to achieve any or all of these goals? Nowhere; the library is it.

The Friends love libraries, but libraries cannot survive on love. The Friends hope their concerns will not fall upon deaf ears and that the province will reconsider some of the proposed changes to the Public Libraries Act.

Once again, I would like to thank you on behalf of the Friends for this opportunity to speak to the standing committee.

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The Chair: Thank you very much. Mr Martin had to go out, so that leaves us about two minutes per caucus for questions, starting with the government caucus.

Mr Stewart: You have been very involved, I assume, with Friends for a long time.

Ms Chiasson: Yes.

Mr Stewart: I must commend you for the money you've raised and so on and so forth. But I don't understand — are you as a volunteer going to quit if this legislation goes through?

Ms Chiasson: Personally, I will not quit, but I feel strongly that there are members of our Friends group who might quit.

Mr Stewart: Why? Are you suggesting that some of them aren't totally committed?

Ms Chiasson: No, but —

Mr Stewart: Why would they do that, then?

Ms Chiasson: I think they would do that because, as I've explained in my presentation, the Friends currently enjoy a certain relationship with the board and with the library, and if the library became just another department of the city, like parks and recreation or transportation, people would lose that connection they feel that the library somehow is a special place. That's why it has a Friends group. I don't know of a Friends group that raises money to fix potholes, do you?

Mr Stewart: No, but there are all kinds of groups, whether in long-term care, senior citizen homes, that are still part of it even though they may be part of the municipality. That really concerns me, that all of a sudden everybody's thinking that if this goes through, all the volunteers who have been associated are going to be gone.

I want to make one comment. When you talked about user fees — I'm going to just read something. "In April 1995, the Thunder Bay Public Library unveiled a free-base customized information retrieval research service called 'Bizfacts.' Bizfacts is used for the resources of the library, including an electronic resource" etc. It appears from this article that it has been very successful.

Ms Chiasson: No. It folded a year ago.

Mr Stewart: Okay. That was my concern. Why did it fold?

Ms Chiasson: Because there wasn't enough interest in using it, obviously. It was well advertised.

Mr Stewart: Are those businesses that might have been using it still using your service during this time? What I'm saying is that user fees were introduced before we came to power; there were new, innovative ways, and I compliment you for that.

Ms Chiasson: I agree with you. As far as the notion of user fees goes, speaking on behalf of Friends, there's probably some division with regard to that. I think the open house the library's going to host on April 14 will be a proper forum for citizens to come forward and say, "Yes, we do," or, "No, we don't," or, "This is how we want to see user fees implemented."

As a general rule, I think it would be fair to say that some of our Friends are on fixed incomes. I think it now costs 50 cents to take out a movie, and that's probably to cover the cost of having to rewind it, or who knows what. If they had to be charged a fee for that or a fee for a CD, they wouldn't take them out.

Mr Gravelle: Thank you very much for your presentation. It was terrific. We have heard from several other Friends groups in other cities. This is the last day of our hearings; we're hearing from a lot of groups and there are some clear things that need to get out there. This is ultimately about the fact that the province is going to take away the provincial funding, which is going to have a profound effect on a lot of small communities. The message coming out very loud and clear is, "Yes, Thunder Bay will be able to survive, but some communities may not be able to survive without that transfer payment." There's a tendency to trivialize that percentage —

Ms Chiasson: There is, and I think there's a tendency even to trivialize it in Thunder Bay. We're going to lose \$250,000 more on top of whatever has been lost.

Mr Gravelle: Precisely. It's a lot of money.

Ms Chiasson: I've been sitting in the back, listening to Jim Flaherty, Derwyn Shea, Terence Young and Mr Stewart say things like, "But the municipality is going to have greater financial flexibility." They've had that flexibility, and did they make up the money that was already lost? No, they did not. Are they going to make up this money that's lost? No, they're not.

Mr Young: That's not what it's about.

Ms Chiasson: Yes, that is what it is. That's exactly what you're saying.

Interjections.

Ms Chiasson: Say it again, then, so I understand you better.

The Chair: Mr Young, come to order. Mr Gravelle, you still have about 45 seconds.

Mr Gravelle: I want to leave it to you to finish anyway you want. We have 40 seconds left in this segment. Whatever you want to say to them, go ahead and say it.

Ms Chiasson: I'd like to say that in Thunder Bay, in this municipality, the council — and we lobby them to make sure that the people we vote for and that our friends vote for are supportive of libraries, but when they're faced with the kinds of decisions they're going to be faced with, they're not going to give us another quarter of a million dollars. You argue they're going to have more money. Well, I don't think so. They're going to have the flexibility to strip the library or parks and recreation or whoever of money that they have to funnel into these other services that they didn't have responsibility for. I don't see how you can say with certainty — with certainty — that it's going to be a better position for the library and for this city.

The Chair: Thank you very much for coming forward and making a presentation today.

ATIKOKAN PUBLIC LIBRARY

The Chair: Would Doris Brown please come forward. Good morning, Ms Brown. Welcome to the committee.

I would encourage the members to come to order. I know there's a motion at the table which is causing conversations, but we are here to listen to the witnesses. Please pay attention.

Ms Marlene Davidson: I taught school for 36 years. In the last 15 minutes of the morning anything I had to say always fell on dead ears, so I hope everybody's alive this morning.

My name is Marlene Davidson. I'm the chair of the Atikokan Public Library board. I represent smaller libraries in northwestern Ontario on the OLS North board and I'm also chair of the services committee on that board.

The Atikokan Public Library board appreciates the opportunity to present our views and concerns regarding Bill 109.

The Atikokan Public Library is situated in a small, isolated, rural northwestern Ontario community of 4,000 people, 210 kilometres west of Thunder Bay and 129

kilometres east of Fort Frances. The Atikokan Public Library has its beginnings in the early 1950s. Its history is similar to that of many public libraries in rural Ontario. The Atikokan Public Library was the result of numerous hours, donations and lobbying by the citizens of the community, and as the community grew, so did the public library. It soon became an integral part of all aspects of life in Atikokan, business as well as social.

From a one-room library lending primarily books, the Atikokan Public Library has grown into a community information centre, providing access through the Internet to the World Wide Web. In addition to this, the Atikokan Public Library board provides literacy training through the Reading Plus program.

We have become partners with the Atikokan Economic Development Corp, Lakehead University and Industry Canada.

Our achievements would not have been possible without the help of the cultural partner branch of the Ministry of Citizenship, Culture, and Recreation and in consultation with the Ontario Library Service North board.

We have many challenges facing us today as we enter into the information era. Communities are faced with shrinking dollars, low tax bases in single-industry towns and technological changes. All forms of government must accept the challenges of a changing world, because accessing information in all formats is more important than ever to the citizens of Atikokan, Ontario and Canada. How information is gathered, listed and accessed is of utmost importance.

Twelve years ago, when Atikokan lost its two iron mines, our major industry, the board began to reposition the library into the whole fabric of the community, because it could foresee change.

The freedom to read is essential in our democracy and it is continuously under attack. We stand before this committee to voice our concerns that Bill 109 may impede the progress that has been made in libraries to date.

Regarding the governance of public libraries, it is important to retain citizen membership on library boards. This should be protected by the legislation.

The volunteer trustees on the Atikokan Public Library board helped the library survive and grow during the downsizing of this community. History reveals that the mine closure increased the demands made upon our library services. New and unexpected needs arose; literacy became a real issue in our community. The appointed board found ways to meet these needs and, as they became evident, ways that may not have been possible under the governance of elected officials or municipal bureaucrats.

The Atikokan Public Library board feels that library boards must remain separate and apart from the political system and process. Municipal councils are subject to political pressures, priorities and processes. Volunteer library boards are not so pressured and cannot be allowed to be part of the political process if they are to fulfil their public function and trust. The separation of the public library boards from the political process ensures that the library requirements of the community are reflected without political pressure or biases.

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It is imperative that the legislation decree the minimum size of library boards and the minimum times these boards must meet. The legislating of the existence of library boards indicates that the government sees real value in these bodies. By not including regulations regarding size, composition and meeting times, the existence of meaningful library boards is called into question. It is conceivable that a library board might consist of the clerk or one councillor. While meeting with the requirements of the act, this would not meet with the intent of the act. It is imperative that this aspect of the legislation be expanded.

It is the view of the Atikokan Public Library board that the autonomy of library boards be retained to ensure representation from the broad spectrum of citizens in the community and allow libraries to operate freely from political pressures imposed by a minority. We feel that the library board must consist of at least five members meeting at least once a month. The current system works very well. Why change it?

Giving free rein to municipal councils causes us grave concern, not only for our own existence, but for access to information for all our citizens. Being completely under the jurisdiction of a municipality leaves access to information at the mercy of narrow provincialism.

In times of fiscal restraints, people, especially councillors, are not often willing to share and support the needs of citizens in other communities. This leaves the important and enviable interlibrary loan services in grave jeopardy. It is important that access to information be promoted, defended and increased for the good of both individuals and society.

The Atikokan Public Library board feels that it is important to maintain a public library infrastructure that is uniform and strong throughout the province.

Operating grants: It came as no surprise that direct operating grants for libraries from the provincial government were part and parcel of the downloading of services to the municipal level.

In Atikokan, the municipal government allocates 90% of the funding with 10% coming from direct operating grants. Although the ratio of funding isn't substantial, the 10% indicates firm commitment for library services in Ontario from the provincial level.

The economic picture of the government of Ontario reveals that less than 2% of funds are used to support libraries, and yet over 72% of the population of Ontario uses libraries. In Atikokan, with a municipal budget of \$6 million, the Atikokan Public Library is allocated \$120,000 and serves 68% of the population. The township of Atikokan council reduced the library's budget by 10% and, interestingly enough, the operating grant from the province was reduced by approximately the same amount. It should be noted that in the implementation of the pay equity plan, staff at the library were included by the municipal government; however, the library budget was not increased to include the difference in salary costs.

The direct operating grant is viewed as a commitment by the government of Ontario to build upon and improve the current Ontario-wide public library infrastructure

which connects individual libraries and enhances local service.

The Atikokan Public Library board feels that to fuel the economic, social and cultural growth of Ontario, an integrated, province-wide public library information network is essential. This objective can only be met with firm commitments by the government of Ontario and the municipalities of Ontario.

Eliminating direct operating grants for libraries indicates that the provincial government does not support the above objective. The Atikokan Public Library board is very concerned that this library will no longer be able to be part of the whole networking system and unable to partake in the sharing of resources. It is interesting to note that the Atikokan Public Library presently lends more materials than it borrows.

Free access: The Atikokan Public Library board appreciates the fact that the Ontario government continues to guarantee free access to libraries. However, we question why only information in certain formats can be borrowed without cost. Free, universal access to libraries is a fundamental principle of the library system in Ontario and has been enshrined in legislation for over 150 years.

The Atikokan Public Library board is attempting to remove barriers that prevent people's access and freedom to information. To distinguish how information can be accessed and in what format builds in barriers.

The Atikokan Public Library board believes, "Every Ontarian will have access to the resources and services of all public libraries without barriers or charges" — from One Place to Look — and is striving to remove barriers to ensure effective, accessible and equitable library services for all Atikokanites.

Our board agrees wholeheartedly with the Ontario Library Trustees Association when they say, "The suggestion that libraries should charge for information service such as Internet access belies a lack of understanding of the importance and prevalence of electronic sources of information utilized in public libraries and the central role that access to information plays in the development and maintenance of a democratic society."

To summarize, the Atikokan Public Library board questions the direction the government of Ontario is taking and the effects this will have on small public libraries such as Atikokan. The board has many challenges facing it as we enter into the information era. We are faced with shrinking dollars, low tax bases found in small, single-industry towns like Atikokan and the technological changes to access information. In order to bring Atikokanites to the world and the world to Atikokan, the Atikokan Public Library board is committed to removing all barriers to equitable access to all information.

In conclusion, we ask the government of Ontario to reconsider the following:

That the present structure of library governance be retained and legislated so that it cannot be manipulated to fit the political process.

Ensure that free access to information move beyond the present definition of printed materials.

Consider the serious consequences that the lack of provincial funding through direct operating grants will have on the Ontario public library system. The idea of

sharing resources may be left in the hands of municipal governments. It is hard to touch or see the services libraries provide in a community. In Atikokan, the township council has deemed library services non-essential.

Recognize that libraries in northern Ontario, and especially those in northwestern Ontario are affected by barriers such as distance, low tax base, shrinking resources and high infrastructure costs. Municipal governments may have the will, but funding is at a premium. Therefore, they are left with very little choice. Libraries do not fair well because in most cases they are considered fringe benefits and are the first to be affected.

The Atikokan Public Library wishes to once again thank the committee for the opportunity to speak to you in regards to public library services in Atikokan and in Ontario. We recognize the difficulties the government of Ontario is faced with and that deficits must be erased so that our children and grandchildren do not inherit our serious financial problems. However, we feel that any interference, however slight, with library services could have grave consequences on the whole of society. The principles of intellectual freedom is a prerequisite for an informed, democratic society.

Mrs Munro: I appreciate you bringing your ideas to us today and certainly the recognition of the more complicated situations in smaller communities. I just wanted to ask if you were aware of the opportunity that currently exists in terms of the negotiation to ensure that the exchange of taxing responsibilities is revenue-neutral. The mayor of Thunder Bay is on that committee. I just wondered if it was part of your plan and your strategy to ensure that those issues you raise in terms of the commitment of the community, that is, the municipalities, to recognize the importance of libraries, to make sure you're at that table.

Ms Davidson: I know there's a lot of negotiating with regard to funding. However, I do know that our budget has been cut this year. We've been closed three weeks due to pay equity and we'll be closing a further eight weeks this year, which means almost three months.

Mrs Munro: I'd just like to encourage you to make sure you —

Ms Davidson: There is just not the money.

Mrs McLeod: I happen to believe that your presentation is particularly important for us to hear because I think Atikokan is a unique community in that with all of the challenges you've faced, as you've outlined, in the last 12 years, Atikokan has chosen to maintain as much culture as possible as a defence against demoralization, unemployment and isolation. I don't think anybody could question the commitment of the citizens of Atikokan to maintaining that culture in spite of all the challenges you've faced.

Given that, given how hard you've struggled and how important it has been for your citizens, what do you think will happen to the Atikokan library services if you should lose the 6% of your operating cost that comes in grants, and particularly if you were also to lose the interlibrary loan services because other communities are stressed?

Ms Davidson: Apart from losing the money, the fact that we no longer have control over our own library, that a clerk-treasurer can come to us and say — and they're

saying it now — "You're losing your control, you have no control" — it really frightens me that they can come to us and say those things.

We can raise money. We're trying to raise money right now to keep our library open. We raised \$140,000 in grants last year to help operate our library. We have a terrific librarian and she, along with the rest of us, has been really diligent in searching out all areas for extra funding, and will continue to do so. But everyone has to know that because of funding right now we are closing for a further eight weeks, and that's a real hardship on our community.

1200

Mr Martin: It sounds pretty dire to me. It's certainly an issue of funding, but in many senses, as you fight to maintain what you have even now, it will become more and more a question of ownership. Obviously the volunteers who work with you to raise the extra dollars you need to provide the limited services you now have will not feel the same sense of commitment if the library is turned over to the municipality to do with it what it will. Would you comment a bit on that sense of ownership and how that's going to be affected by this legislation?

Ms Davidson: That's true. Right now people are phoning and saying, "What can we do?" because they feel really a part of this library service right now.

If I could just comment, when this bill first came out I thought, "I think we should try to find something positive here." For a while, you know, things did look pretty good. Doris was invited to the department head meetings; she was considered a department head finally. She was invited to the budget meetings until it came to the last budget meeting and then she wasn't even invited to the last budget meeting where they made the cuts. They've got that power to include or exclude us at their will. It doesn't make sense to me. I don't feel we should have that.

The Chair: That you very much for coming in today to make your presentation.

Mr Shea: On a point of order, Mr Chair: Since the comment was made, and appropriately, by Marlene about Doris Brown, I think it would be appropriate to extend the minister's very best wishes on the Library of the Year award. I'd like to associate myself with that congratulations as well.

The Chair: It's not a point of order, Mr Shea, although I'm sure that the entire committee would entertain that interjection.

Mrs McLeod: We'll allow it with unanimous consent.

Mr Shea: I think we might have unanimous consent to do that, if you want force this to the wall. There we go.

Ms Davidson: I'll tell you, it was kind of bittersweet, because the month before she got the award and then we had to close the library for whole summer. Actually that was only one our options, but the reporter chose to say that's what we were doing even though —

The Chair: Thank you very much for coming forward.

Is Michael Ballantyne here yet by any chance? We're going to have to use Mr Ballantyne's time to entertain a motion which I know Mr Gravelle would like to move. Mr Gravelle, it's the bottom part which is the motion?

Mr Gravelle: Yes. I'd like to move a motion that members of the standing committee on general government recognize the importance of library services in all communities across Ontario and recommend to the minister that amendments to the legislation should be encouraged; amendments that will guarantee the continuation of library services in rural and northern Ontario and recognize that some provincial funding should be maintained in order to meet that goal.

I think we have a real opportunity here as we are on the last day of our public hearings and there has been a real interesting consistency of presentations from municipalities and small library boards today. Also, in other parts of Ontario as well it's become very clear that in order for them to meet the stated purpose — section 2 of Bill 109 has a very clear purpose and I'll read it quickly:

"1. To ensure public libraries continue to successfully provide for Ontarians' information needs.

"2. To support Ontarians' requirements for access to educational, research and recreational materials in a knowledge-based society.

"3. To allow Ontarians to benefit from access to local, provincial and global information through a province-wide public library network."

It's been made very clear to us, simply on a factual basis, that unless there is some maintenance of the provincial transfer, libraries will be closing in a variety of communities. They've made very clear that they will not be able to maintain it. I know that the government members have been listening the last three and a half days. I think this gives us an opportunity to actually let the minister know that this is one of the messages we've been receiving; I think it gives everyone an opportunity to do so. I don't think it's asking too much. I don't think it's political in that sense. It really is simply recognizing the message that we've been receiving from those particular municipalities and small library boards.

There are certainly other amendments that are crucial, and I will be fighting for many other ones in terms of the larger communities as well, but this is one I believe we can all agree on, because we've all heard it. Therefore, I don't think there's any strong controversy. I would hope and expect that all the government members as well as all of us on this side would agree to this motion and then pass it on to the minister.

Mr Martin: I will be supporting, wholeheartedly and without reservation, this amendment. However, I want to say that I don't think it goes nearly far enough because what we've heard over the last three or four days indicates to us that if we go ahead with Bill 109, the whole library system as we know it is in jeopardy. We need to be doing all we can to protect it and make sure not only that it is protected but that it is encouraged to grow and continue to be the real asset it is to communities and to people as we grapple with the challenges we face today in so many ways.

We as a caucus will be bringing forth very specific amendments at the end of this, and they will be in keeping, very clearly, with the intention of this amendment that's being proposed here this morning. I would encourage and hope that all members would be, in the spirit of the consultation, willing to entertain amendments

that would head us in the direction that's referenced here in this motion in front of us now.

Mr Shea: I must say that I am puzzled by a number of things that are flowing out of the hearings. I'm going back in some of my research. I discover that there are distinguished members of the provincial Parliament who are quoted as having said that ultimate responsibility for library policy is to be found at the local government level. That was Mr Sean Conway.

I'm puzzled, on the other hand, when I hear concerns about the 1984 Public Libraries Act now being of great merit and there being very little to deal with. Indeed, it was Mr Laughren who indicated quite clearly that neither he nor his party would find that acceptable; certainly even giving local government a useful role, played in terms of doing line-by-line consideration of budgets. We now find some sense of handholding to say, "Maybe things are fine now."

I do think the legislation requires some considered review. The government has always been of that opinion. That's why we have public hearings, so we can get out and listen to the community and reflect upon that.

It would be ill-timed I think today to deal with any such amendments. In fact, I will move deferral of this motion of Mr Gravelle's to the clause-by-clause consideration and that at that time we deal with it in the appropriate fashion, along with the other amendments that come before us. Because I think, whatever Mr Gravelle's or his party's intention would be, we would want to have them all at the table so we can ensure that whatever recommendations we put before the minister are comprehensive and we feel very comforted that what's going forward for her consideration, and for the government's final imprimatur, is appropriately considered by the committee.

The deferral motion, on my understanding, Chairman, takes precedence and I'd prefer to have that voted on please.

The Chair: It does. I do have one speaker on the list who indicated, before you made it, that they wanted to speak to it. I'd appreciate if you'd allow me to let that other person speak.

Mr Shea: Chairman, under my understanding of the rules then they would speak to the deferral.

The Chair: The deferral motion is not debatable. I am bound by the rules to put a deferral motion to the committee, so I have to put that question and it's not debatable. I'll put the question: All those in favour of deferring this motion, please say "aye." Opposed, say "nay."

I believe the ayes have it, so we'll defer the motion until a further opportunity when we can discuss it.

We're now recessed until 1:30 this afternoon.

The committee recessed from 1210 to 1338.

The Chair: Good afternoon, ladies and gentlemen. Welcome back to the afternoon session of the standing committee on general government's consideration of Bill 109.

Mr Gravelle: Chair, as you know, a couple of days ago I had a written request for some information related to section 28 on confidentiality being removed and some question regarding the Corporations Act. I'm just wondering if the parliamentary assistant has that response available yet.

Mr Shea: I'm delighted to respond to the question. I think it's just a matter of waiting for the photocopier to finish and it will be tabled almost momentarily.

Mr Gravelle: That's great. Thank you.

IGNACE PUBLIC LIBRARY

The Chair: Our first deputant this afternoon is Catherine Penney. Welcome to the committee today. You have 15 minutes to make a presentation. If there's some time left at the end I'll divide it up among the three caucuses for questions.

Ms Elizabeth Russell: Thank you. First of all, I am not Catherine. She's our librarian. She's home holding the fort. My name is Elizabeth Russell. I am chairperson of the library board in our small town, Ignace, located a three-hour drive to the west on the Trans-Canada Highway.

We have heard a number of times from various government sources that the role of volunteers must become more and more vital as we all try to maintain the services which are important to our communities. I am a volunteer and it is as a volunteer that I would like to speak to you today. I feel I am typical of volunteers in small towns. I have a sense of civic responsibility that I share with my counterparts in countless other organizations. I have a full-time job, family responsibilities and other interests. My time is valuable, so every minute I spend in volunteer work must count.

As a library board volunteer, I am involved in planning and overseeing the operations of the public library, ensuring the safety and security of our staff and patrons, making sure that the services our library offers meet the needs of the public and that our funding is used wisely. Besides these regular once-a-month duties as a board member, I am also involved in fund-raising to supplement the moneys which we receive from the municipality and the government. For several years, fund-raising has been an increasingly larger part of our job, as the grant moneys in municipal budgets have declined.

Each year we are willing to work even harder in order to maintain quality service because, as an autonomous board, everything we do counts. The decisions we make, the recommendations we give, the hours we spend in planning and carrying out fund-raising count. I walk into our library and see the people from the community browsing through the books, using the Internet, working at the public computer, doing research or homework at the study tables, and I have a sense that my time and efforts are worthwhile. I know what I do counts.

If the way in which library boards function is changed, the time I spend working as a volunteer will not count. Unless library boards are allowed to remain autonomous, the work we do can easily be overruled by municipal council. If all the time and effort I put in can be so easily cast aside at the whim of council, why should I bother? I will quickly become frustrated and soon will turn my energies to another cause, one where I will be able to get the sense of satisfaction and pride in a job well done. Instead of encouraging voluntarism, this bill, as it is proposed, will discourage it.

I compare for you the recreation committee in our town and the library board. The recreation committee was a group of people with no real authority. They met regularly, made decisions about recreation in our community and took their recommendations to council. However, because they had no power, very often council would ignore their efforts and recommendations. Consequently, committee members would give up in frustration. Seldom did anyone stay on the committee for any longer than one year. On the other hand, library board members see the results of their work on a regular basis. Most board members serve at least a three-year term, and some many more than that. For example, the previous chairperson of our Ignace board served for 10 years. This long-term commitment means better planning, better fund-raising and better service to the public. It also encourages public trust in the board and its operations.

At present, library boards are composed with a majority of members appointed from the taxpayers of the community. They choose to be on the board. Councils have representation on the board and have control over the budget. This gives them a say, but library service and public interest are protected by a group of people who have library interests at heart, not council members who are already too busy with other concerns or who do not place a priority on access to information, freedom of expression or literacy. These people, some of whom do not use or support libraries, would not be willing to spend time on fund-raising, planning or helping to deliver services or programs as we on boards of small libraries do.

Please do not think that libraries will be treated fairly in the downloading of costs to municipal councils. In our community, we know what our council will try to do if Bill 109 is passed as it has been proposed. We've already had to fight to keep our library services. Recently, without notifying or consulting the library board or the public, the reeve and council took the first steps in a plan to move our library out of the modern library building which we have occupied for less than five years. The reeve's intention was to move the town offices into the library building. This was to happen by the end of the summer, because council anticipated that they would have control over the library as soon as Bill 109 was passed. They ignored a 676-name petition from taxpayers who said they didn't want the library moved. As well, the reeve has said there will be no library board in our community after the end of this year. Can you imagine what chance we stand of having our recommended bylaws passed by this council?

Yes, there is a municipal election coming in the fall, but this council will be the one to put into place the new bylaws under which the library board will operate next year. As a library board volunteer, I do not want to have to use my time and energies in fighting an unsupportive council to enact by-laws that will maintain an effective board.

I want to devote my time and energies to finding ways, in spite of cutbacks and downloading of costs, to offer the library services that the residents of my town tell me they want. The uncertainty created by having the library board and its operations vulnerable to the changing opinions of council will make it difficult for me to raise

funds. The government can help me be a better volunteer by making amendments to Bill 109 which would retain the composition and autonomous nature of library boards as they are in the present Public Libraries Act.

Councils do not have the best interests of libraries at heart. They are driven by money and time constraints and the prospects of being re-elected. This makes them extremely susceptible to special interest groups which may try to influence the policies of libraries or to limit freedom of expression or access to certain types of information. To have a library board which is independent of council and composed in such a way that the majority of members come from the residents of the community ensures the integrity of library services.

I would remind you of my comparison of the effectiveness of the library board and the recreation committee in my town. In our small town of 1,600 residents we had over 14,500 visits to our library last year and over 18,000 materials circulated. We have had a steady increase in library use despite the fact that our population has declined since the closing of the local mines. We must be doing something right.

The rules under which library boards presently operate are good rules, enacted after a great deal of study and consideration. They encourage volunteers like myself, with a sense of pride, a sense of service, a sense of accomplishment. My hours count.

I urge you today to relay to the minister my request on behalf of the volunteers serving on the Ignace Public Library board to keep in legislation the composition and autonomous nature of library boards as they presently stand, legislation which enables and empowers volunteers.

The Chair: Thank you very much. Two minutes per caucus. Mr Shea.

Mr Shea: Perhaps I can begin by giving at least some measure of response to a couple of points raised, but as I do that I'd like to thank you very much for being here and for making a very helpful presentation.

Ms Russell: Thank you. I am here at my own expense. Our library doesn't have money for it.

Mr Shea: That should be acknowledged and I must say I really to appreciate that.

The issue of what we might call the building controversy is one that has come to my attention. I know, for example, that the building was constructed with at least 282,000 provincial dollars. You should know that the minister is at this moment looking at the terms of the contracts and terms of the grants, and hopefully we may have some other information forthcoming.

Ms Russell: Good, because the people in town are very attached to their library.

Mr Shea: Let me also bring some measure of comfort to you in terms of the bylaws. You refer to that on page 2, down at the bottom, in terms of the bylaws. You will also I think be comforted to know that the legislation does not take effect until the new council takes place.

Ms Russell: Yes, I am aware of that.

Mr Shea: So this current council could not in fact encumber the next council.

Ms Russell: Are you saying then that this council does not enact the bylaws?

Mr Shea: This legislation does not place anything in effect until the new council takes place, so it gives you some measure of comfort there.

What I'd like to do is go a little further. Most library boards and councils that appeared before us have expressed at least some sense of relationships that have some working basis to them. There are tensions. Your presentation leaves me with less than an image of one where there seems to be a cooperative spirit or even a spirit of trust. I don't know if you meant that to come through that way or if I misunderstand it.

Ms Russell: We thought we had a good working relationship with our council until we were informed that the reeve and council had put these plans into effect. Indeed by the time we found out about it, they had been doing this for at least a couple of months. When I talked to the reeve about it, one of the first things he said and one of his major concerns was that this was all supposed to remain confidential.

Mr Shea: Are there members of council on your board?

Ms Russell: There is one representative from council.

Mr Shea: And you were not advised by that member?

Ms Russell: No.

Mr Shea: I wonder if part of the circumstance that creates some difficulties may indeed be the way that the council relationship is viewed by the board as well as perhaps how the council may view the board. When I see, for example, "unless library boards are allowed to remain autonomous," I wonder if that word may be a little strong and if you want to reflect on that.

The Vice-Chair: I'm sorry, Mr Shea, we've gone well past time. I must ask that we move on to Mr Gravelle.

1350

Mr Gravelle: Thank you very much, Ms Russell, for being here and for doing this, because you very much obviously believe in what you're doing. I'm certainly encouraged to some degree by what Mr Shea is saying in terms of some response, and I hope it's a positive response that we'll get from the minister.

The problem here is that ultimately what you're doing is showing an example of what is going to happen as a result of the legislation as it's put forward. The fact is the minister has set it up so that municipalities are being forced to take a great deal of pressure on downloading in a number of areas: long-term care, housing, health care, the whole works. Now they've downloaded libraries as well and it's putting pressure.

This legislation is simply part of that downloading process. Whatever relationship you had with the council, in many ways many councils are being forced to make some decisions they don't want to make, and if the minister is sincere about believing there should be citizen involvement on the board, she will make these amendments that allow the citizen majorities to remain involved.

Ms Russell: Yes. I find myself in a very funny position here, where I am a volunteer who's very willing and who has worked hard; I believe this is my eighth year on the board. It appears that if this legislation goes through without amendments, I am going to be a volun-

teer who is begging for a job, which goes contrary to what I've heard from this side this morning, and from the government itself, which says that volunteers are so important.

Mr Gravelle: That's right. It absolutely flies in the face — there is sort of an element of trust. We trust that municipalities will maintain the boards as they are and perhaps some municipalities will, but every municipality has different pressures.

Ms Russell: Yes, and that's what we're afraid of.

Mr Gravelle: This door is open.

Ms Russell: Definitely. When the reeve sits in council and says there won't be a library board in Ignace next year — that's what he said in a council meeting when we were there.

Mr Gravelle: We've certainly heard that in other places as well.

Mr Martin: I've raised this issue, your particular instance, probably two or three times a day since we started the hearings because it speaks to me of the downside in a very clear and unequivocal way, of what can happen when the balance of power is shifted so radically to one side as opposed to another. It seems to me, you've mentioned the term, that your time, your effort, your interest, your concern, has to count.

Ms Russell: It certainly does. I have a busy life.

Mr Martin: Yes, and that ownership of the library to the volunteers who work the board and do the fundraising is really important.

Ms Russell: Yes, it is.

Mr Martin: That relationship has to be one that's healthy and both sides have to feel that if there's a funding partner and there's an operating partner, they have a stake in this.

Ms Russell: Yes.

Mr Martin: We had somebody before us, I think it was yesterday, who suggested, "We pay, so we should have say," or, "We want to bring the library operation under our umbrella so they can more clearly understand the vision of the community we have." I said it would be a little like me going home to my wife who has chosen to stay home and look after our four kids and saying to her, "I'm making the money here, so I'll make the decisions and I'm in charge." That would last about one half-hour. If I came home and said, "I have a vision of where we're going as a family and I just want you to buy in, that's all," that would probably last about five minutes.

I guess what we're talking about here is relationship and ownership and feeling that what we're doing is counting. What you're saying is this legislation is not going to lend itself to that.

Ms Russell: That's correct. The way this legislation is, if council does not allow the volunteers to count, if we end up just another committee of council, like the recreation committee and like the economic development committee have been in our town, what's the point of doing it? You spend your time and your energies and all the rest. People will go to other committees. They'll go to other organisations, or they'll just turn sour.

The Vice-Chair: Thank you very much. We appreciate your coming here today and making a presentation.

MICHAEL SOBOTA

The Vice-Chair: I'd like to call on Michael Sobota, please. Good afternoon and welcome to the standing committee.

Mr Martin: On a brief point of order, Chair: I forgot to say to my honourable colleague across the way that I really appreciate the effort you're making to look into the Ignace situation. That's wonderful.

Mr Shea: It disturbs me, but in the nicest way. Thank you for the kind words.

The Vice-Chair: Order.

Mr Michael Sobota: Good afternoon. I hope that doesn't count on my 15 minutes.

The Vice-Chair: No, it certainly does not; absolutely.

Mr Sobota: Thank you for the opportunity to present to you. I am pleased that you are able to take some time from your lengthy hours at Queen's Park to journey to Thunder Bay and hear us.

Why are we talking about libraries? What are libraries? When was the last time you were in your library? I was in mine yesterday. How do libraries fit? Where is their fit in the bigger picture of your lives?

In a general discussion about what made life in northern Ontario worthwhile, what makes it interesting and nurturing, what would we consider critical for us to stay here, a number of obvious choices surfaced. One of my friends cited our excellent symphony orchestra, another talked about our creative and thriving live theatre companies. Prominently mentioned were green space and that we have an excellent system of parks for seasonal recreation. A critical component of our lives that received universal murmuring of agreement was one that was not so obvious and not readily thought of, and that was our library system.

I'm going to give you a quote now: "If we lost our library, if for some reason it had to close, I would leave Thunder Bay. I would go somewhere else civilized enough to support such a valuable asset, probably the States." This remark came from an elderly woman, someone who had lived here all her life, raised her children here, who had owned and operated a local business. She was well aware of finances and changing economic environments and very versed in changing governments. She would leave here if we lost our library.

Let me be very clear at the beginning of my presentation that I believe the Local Control of Public Libraries Act, 1997, will result in the loss of libraries. It is a blueprint with provincial sanction to close libraries. Should this legislation pass in its present form, I invite this panel to return to northern Ontario in three years, April 2000, and explain how this wasn't what you intended, that this isn't your fault, that it shouldn't have happened.

Let me also be clear that I don't believe the magnificent Thunder Bay library system will close or be lost. It is well managed, well-run, efficient and, most importantly, large, so it can adjust to the worst elements in this legislation and struggle on. I do not believe this is the case for our sister institutions in smaller and more isolated centres.

My remaining time will comment on three broad aspects of Bill 109: its potential impact on intellectual

freedom, its commercialization of library services and its naïveté about offloaded funding responsibilities. My analysis and comments come from a background of having worked in a small Ontario library — I was employed at the Fort Frances Public Library for a number of years — a regional library in Nova Scotia — the Eastern Counties Regional Library system in Mulgrave, Nova Scotia — and from being a user of library collections and services for more than 45 years. And I actually read the proposed Bill 109 and, interestingly, a fact sheet on the legislation prepared by the Ministry of Citizenship, Culture and Recreation.

1400

My first point focuses on freedom to read and censorship. There are enormous strengths in the existing governance provisions of the Public Libraries Act that over a broad course of time have demonstrated libraries will uphold principles of intellectual freedom. In practice, the existing legislation has provided a record of governance that has resisted sporadic, insular or uninformed efforts at censoring what other Ontarians might read or access through their libraries.

The proposed legislation, while seemingly understanding the value of citizen-run library boards, eliminates the safeguards within the current legislation for how local library boards are constituted. While I don't anticipate radical changes in the makeup or structure of our local Thunder Bay library board, the government is inviting a dictatorial governance structure to be considered by municipal councils. The only reason I'm hopeful about the maintenance of our own citizen-majority-run board in Thunder Bay is because some of our members of municipal council have gone on record to say so. You've heard the opposite in other constituencies.

None the less, the new legislation's governance structure throws open the doors to political and emotional lobbying around flashpoint issues, about the constitution of a library board or whether there will even be independent boards at all.

My concluding point on this issue is that the existing legislation works. It has demonstrated effectiveness, and there are no rational arguments put forward for the change.

Commercialization of library services: Bill 109 opens the door for libraries to charge fees for loaning their materials beyond print and special, formatted disability materials. It means I could go to my library in the future and rent a video or a CD for a fee. This in a very real way puts libraries in competition with the private sector, hustling their collections to generate more income in the same way that Blockbuster or Bandito Video does. To make up revenue through rental charges — your euphemism is user fees — puts our libraries and their staff on a very different road of marketing and hustling so that customers will rent materials as opposed to accessing them because they genuinely need to.

Opening the door to rental charges, membership fees and other possible charges breaks the 100-year-old tradition of consistency, accessibility and uniformity in our province-wide library system. It probably will be easier to get the materials if (a) you are in a large and more wealthy municipality, and (b) you are more wealthy yourself.

The whole area of revenue generation through fees is complex. It has not had good analysis done in the rush to impose this legislation. The pressure to sort out this complexity in a thoughtful and user-friendly way has been directly caused by the government in your previous decisions to cut library funding by 20% in 1995, a further 20% in 1996 and to withdraw the rest of the funding by the end of this fiscal year. So much of this ideologically driven legislation is done with a rush to judgement, without good analysis and implementation impact in place.

I'm going to give you an example about the idea of allowing fees, for example, for the rent or loan of materials that aren't print materials. Do you know what the costs are of allocations in libraries? Do you know what the most expensive costs are? Books, not CDs, not videos. You're ensuring that libraries have to buy and purchase the most costly things and have them available free, and they can put charges on some of the least costly things. This does not make sense. This is not good analysis. It's an example that the whole fee issue is very complex and needs more sorting out.

Offloading of funding responsibilities: The government's fact sheet that accompanied Bill 109 suggests that municipal councils can handle 100% removal of provincial support for local libraries because, and I'm quoting from the ministry's own fact sheet: "The responsibility for funding education will be removed from municipalities. This will give local authorities greater financial flexibility to fund other services, including libraries."

This is a truly misleading rationale. It sounds as though the province's paying for education is some sort of equal financial tradeoff or even a net benefit to municipalities. It lies by omission. It nowhere mentions the increased, competing financial costs that municipalities will have to address in the areas of social assistance, transportation, public housing, long-term-care and public health council budgets not to mention other costs. It also does not admit the mistakes that were made by the government in its initial cost estimates of what the offloading tradeoffs would actually total.

Let's look back at the mega-week announcements. Following the mega-week announcements, we were treated to the government's own admissions that certain figures were not included in the initial calculations and that these admissions were the literal equivalents of "oops" Over the past months, the "oops" have grown to total billions of dollars of expenses that were not included in the costs municipalities would be required to take over. These are your own figures; you have said this. There have been no adjustments to the figures for what the government would be responsible for.

The bottom line is that local libraries will be competing for funding with local housing, local roads, public health concerns, long-term care for our elderly and a whole plethora of motherhood type of issues that are going to make the life of a city councillor one hell of a nightmare. Bill 109, in its silly fact sheet, refuses to see that bigger picture; it actually denies it. Our libraries will have to survive in the big world.

In conclusion, because of the broad offloading of funding responsibilities from the province to our municipi-

pality, libraries need the strong assurance of an independent governance structure to work effectively at securing adequate finances for their survival, to effectively uphold standards of freedom to read and intellectual freedoms, and to sort out the complexity of local service fees and charges. Bill 109 should be amended to account for these and the other numerous arguments you have been presented with through these public hearings.

Further, in the broader process of rushing to impose many legislative initiatives across the province, you are fostering an atmosphere of great tension and uncertainty and you're fostering resistance to bad planning and analysis. If you are going to force your will on our libraries and their structures, more time should be given for careful consideration of how to implement effective change.

The Chair: Thank you very much. We only have a minute per caucus for questions, starting with Mr Gravelle.

Mr Gravelle: Thank you very much, Mr Sobota. I'll be quick. I agree with you completely. I think it is a blueprint, essentially a provincial sanction, to close libraries. We're near the end of our hearings. The members here probably continually need to be convinced that certainly small libraries are in great peril as a result of a number of things you've mentioned. What else can you say to them? I trust they really are listening to us and they want to do the right thing. The minister says this will be better service. What can you say to help us with this?

Mr Sobota: The first thing I would urge you to do is to go visit your local library, if you haven't recently. Get back in touch with it. Really go see it, go in it, go see the people, go see how much they're used.

I have to believe the minister is speaking in good faith and with goodwill. I have to believe that she does not wish libraries to close. The legislation as it stands is going to close libraries. That's a fact. If you believe libraries will not close, I've got a bridge over the Kaministiquia I'd like to interest you in buying.

Mr Martin: That's a very well-done and interesting presentation; lots of food for thought. You've touched in your own way again on some of the points that are continually being made by groups who have an interest in, who have an empathy for, who work directly with and love libraries. There's the issue of governance and all that falls under there, the issue of fees and how complicated that is, and it's the issue of the province continuing to play a role in interesting ways. Of those, which in your mind would be of utmost importance?

Mr Sobota: The governance issue is critical. The legislation that was passed in 1984 put in effect a system that seems to work. It's in balance. It's not perfect, but it's one that seems to work, both to show that libraries are well managed financially — and they are — and also to ensure our access to intellectual materials and to resist censorship. I think the governance issue is the most critical one.

1410

Mr Flaherty: Ideological might be abolishing library boards, it might be abolishing the free circulation of books. That's not what happens here. Ideological is easy

because you don't have to listen to the other side. We're listening to the other side, all right?

Mr Sobota: I appreciate that.

Mr Flaherty: When was the last time I was in a library? Yesterday in Ottawa, the Rideau branch, and about a week ago in the Whitby Public Library.

Mr Sobota: Good for you.

Mr Flaherty: My children love the library. Mr Young was with me. It's not a question of liking libraries and being familiar with libraries. We have the legislative library at Queen's Park; it's one of the finest libraries in Canada. We work with those librarians all the time and have great respect for them.

Having said that, I really don't understand the allegation you make that this legislation will cause the closing of libraries in Ontario. The rationale seems to be this: That councils will be faced with competing items — fire services, emergency services and so on. They are now. Ninety-one per cent of the funding for the city of Thunder Bay library does not come from the provincial government. More than that, the tradition of public libraries in this province, from the first act in 1882 to the present, and even before then with the mechanics' institutes and so on, was local control of libraries, local governance of libraries. And for good reasons, as we've heard at these hearings, because they serve local needs and they need to be localized.

We heard from the city of Ottawa that when they polled their people in Ottawa, the only service that ranked ahead of library service in terms of priority was fire service. We heard from the city of Nepean that the only service for which people are willing to pay more money in taxes in the city of Nepean is library service.

The Chair: I have to stop you there. If you need any kind of response at all to that, Mr Flaherty —

Mr Flaherty: My point is that if we're going to lose libraries in Ontario, we would have lost them by now because municipalities are the budget controllers of libraries today in the province and have been for years.

Mr Sobota: With respect, you heard the previous presenter before me say that her reeve and council have gone on the record that there will be no library board next year. She said that.

Mr Flaherty: That is the only one we have heard in the whole week.

Mr Sobota: But you heard that, you literally heard that.

Mr Flaherty: One.

Mr Sobota: The issue of percentages of budgets is a red herring. Thunder Bay receives a quarter of a million dollars from the province. That ain't gonna be made up by fund-raising. That's not going to be made up by selling candy apples. It's the real dollars, not the percentage, that we're talking about here and that's scary.

The Chair: Thank you very much, Mr Sobota, for coming forward and making your presentation to the committee today.

BEARDMORE PUBLIC LIBRARY

The Chair: Would Jackie Boughner please come forward. Good afternoon and welcome to the committee.

Mrs Jackie Boughner: My name is Jackie Boughner. I'm chairman of the board of the Beardmore Public Library. I'm also a board member of OLS North. The Beardmore Public Library is a very small library situated in a town of 390 population of whom 200-plus are members of our library. Our budget is approximately \$18,000 a year. This year it will be less, due to cutbacks. Our area also takes in the unorganized territories of Jellicoe, 20 miles to the east, and MacDiarmid, 15 miles to the west. We are, by the way, 50 miles from the nearest town.

We as a board fear what will happen when and if the municipal council takes over the running of the library. We fear libraries will become a soft service and thus will become expendable. Also, with the government wanting towns to amalgamate or restructure, libraries will be closed and everything moved to the larger centres. The patrons would then have to travel to larger centres, in our case 50 miles. Children would be the losers as parents as a whole would not travel that far just so their kids would be able to use our services.

As well, if the government were to decree that council members made up the majority of a library board, the public would not have a say in the running of a library.

Our board is made up of five enthusiastic volunteers as well as one council member who is also very enthusiastic. We are a very active group. We have taken time on Sundays to paint the library and have done a great deal of work to spruce up an old building. One board member didn't like the plain old duct work running through the whole place. She suggested painting the duct work and putting kids' handprints on it. As a result, almost all of Beardmore kids' handprints and names are on the duct work. The kids ranged in age from babies to those in grades 7 and 8. The board deserves a lot of credit for the work they have done in the past year.

Council gives us the majority of our funding. With what we receive there is no extra money for capital expenditures such as shelving etc. A large portion of our budget is used for wages. By the time wages, heat, phone and utilities are paid, there is not much left for the more important items — books — let alone capital projects. If you don't believe me, I was on council for nine years, and in that time we applied for a grant for \$800 to put new shelving in. Our shelving people were getting cut on the corners of it. I asked the council, as the municipal rep for the library, for \$200 so that we could get our grant. They refused me. They had no funding available. We do not have the economic base, such as factories or lumber mills, that larger municipalities have.

We also have a lot of unemployment. Thus we need extra help from the government, such as grants for capital projects and even book collections. Books are expensive, even pocket novels or paperbacks. We did receive a grant to establish our town's community access site for the Internet. I don't know much about the Internet, or even computers, but I know there is a lot of interest in the town. Many people keep asking when we will be hooked up. Through the years this will take extra funding to maintain.

On the other hand we are glad to see that the part of the old act that states fees cannot be charged for borrow-

ing books, magazines or videos is still in place. If a fee schedule were in place, a lot of people — those on welfare, unemployment or disability, etc — would not be able to afford to use the library. Thank you for that at least.

I would like to thank the committee for letting me speak about our concerns on behalf of our little-in-size but big-in-heart library. I have also included a resolution supporting OLTA's position.

Mr Martin: Thank you very much. As I said to a presenter yesterday, it's always good to have somebody from the small community libraries come and speak to us, because your story is different from the larger centres in many significant ways and probably helps us zero in more readily on the issue that's at stake here, which is really, in my mind, an issue of money. If you don't have the money, you can't do the job.

Mrs Boughner: That's right.

Mr Martin: Even if it's only \$200. In most of the communities we represent \$200 is petty cash. For you, it's the difference between having new shelves or not having new shelves. It becomes a huge issue.

We had a fellow from Killaloe before us yesterday who told us pretty much the same story. He wasn't looking for the stars, the moon and the sun; he was just looking for a commitment to a basic library in his community with some books in it so that the kids particularly, who go to school outside of the community, will have some place to go to do research when they come home at night or on weekends.

The question I have for you is: Is that your story? What is it that we could do with this act that would guarantee, absolutely guarantee for you the existence of your library?

Mrs Boughner: One of the things is to leave the municipalities out of it. Last October we had an open house and we also had dinner for invited guests, including all members of council. We had two members of council show up: one was the municipal rep, and the other, his wife was the CEO of the library. The reeve never showed up — he had meetings in Thunder Bay — and the other two councillors never showed up. That's how much interest there is in the council for the libraries.

I'm just afraid that if municipalities take over — and we are in the middle of restructuring in our community with Longlac, Geraldton, Beardmore and Nakina — they'd say, "Shut the small libraries down. Go to Geraldton," which is 50 miles. There's no way. We have at least 10, 15, 20 people in our library every night that we're open. We're only open 12 hours a week, but last month the number of people who were in the library was around 150. That was in our librarian's report.

I was on council for nine years and I know recreation is more important to a small community than libraries. Libraries are at the bottom, as they are in a lot of small communities.

1420

Mrs Munro: Thank you very much for being here with us today and bringing to this discussion another example of the smaller community and the kinds of issues that are unique to that smaller community. I was

going to ask you a question in terms of the relationship with your council because obviously — and you've addressed that — that seems to me to be the critical issue you're dealing with. But I'm also wondering whether or not — you mentioned that you were dealing as well with restructuring going on within a number of communities — you've had any opportunity to get a sense of a difference in opinion among those community leaders in those other communities towards libraries?

Mrs Boughner: No, I haven't because we had one public meeting for Beardmore residents only, and Geraldton's 50 miles, Nakina is 100 miles, Longlac is 70 miles —

Mrs Munro: There were obviously no representatives from there to discuss that with you.

Mrs Boughner: No.

Mrs Munro: You talked about the numbers of people who come in and use the library and clearly take advantage of this as a community resource. Do the municipal leaders recognize this, recognize the important role that you provide within your community?

Mrs Boughner: They must know because they get a library report every month at their council meeting. I can't guarantee they read it because a lot of the council members, when I was on council, didn't bother reading it. I'll give you an example. When the announcement came out that we were getting a grant for the Internet, I wasn't interviewed as the chairman of the board; the reeve was interviewed. The council had nothing to do with it; we did the work to get the Internet going, to get the money for the grant. Council didn't even know about it until it was reported to them at a council meeting that we had applied for money for the Internet. But the reeve is the one who made the announcement on the radio and in the papers. I wasn't even asked.

Mr Gravelle: Thanks very much. I think it's important to let everyone know that indeed you drove down from Beardmore, that this is a long drive. I think it's important for all the government members particularly today to recognize this, that people have driven in from all over the place trying to make these very strong points. As it is towards the end of the day — and maybe I'll do this at every presentation — it's sort of our last chance to try and get across to the government members some very strong impressions that this really is frightening.

Unless there are some changes, there's a pretty good chance that a lot of libraries in small communities are going to be gone. If the minister is serious about what she says and if the members are serious that they want to actually improve library service by this bill, because it was sold as such, they've got to understand that there are some real problems.

I don't want to go on because I want to give you a chance. I don't believe it's so much a question of municipal leaders not caring about their libraries or being committed to their libraries; it's being put in a position where they've got so many other pressures because of the downloading. This is where the pressure's going to come from. If you've got to choose between fixing a pothole and supporting your library, that's where I think the pressures are on.

I don't want to speak to what your relationship is with your council, but it's almost like this bill is setting up battles between the board and the council right now, which is certainly not the way it should be. I just want to give you the opportunity to make even a last plea to the government members. Is there anything you can say that will hopefully — and I believe that the members are listening and trying to understand. I'm not sure they're getting the point, because I keep hearing the same sorts of responses back. Anything you could finish with, Jackie, would be great.

Mrs Boughner: If it's not broken, don't fix it. I have a granddaughter in Sick Kids in Toronto, and I thought this meeting was so important that I left Toronto to come here today.

The Chair: Thank you very much for making the effort to come in.

DRYDEN PUBLIC LIBRARY

The Chair: Would Bryan Buffett please come forward. Good afternoon. Welcome to the committee.

Mr Bryan Buffett: Background: Thank you for coming up to Thunder Bay to listen to us. I know it may be boring because what you're hearing is basically the same thing over and over again. I hate to tell you, but I'm also an echo of everybody else.

The first item of concern for us is governance. You've heard that volunteer boards are the cornerstone of public library development and have led libraries into the position they're in now, which is among the best in the world. But why have they been so effective? It's because they care. I cannot foresee a board the majority of which would be council that would really care about serving their library. They care about their political future and they care about the municipal budget, but the majority of them do not care about books and library programs; it's a secondary item on their agenda.

We feel, much as the lady from Beardmore already said, that if it ain't broke, don't fix it. Keep the present board system: a majority citizen membership, specified qualifications for membership on the board, a minimum number of board members. In my report, I list five for a town of Dryden's size; I'm sure Thunder Bay, to get adequate representation for its population, would need slightly more. Guarantee the meeting is open to the public — it's not stated in Bill 109 that this should happen — and also a minimum number of meetings. The worst-case scenario that everybody is talking about is a committee of one person meeting once a year. That is a worst-case scenario, and we don't see it happening too often, but it could happen and it may well happen, because Bill 109 is basically enabling legislation just for that to occur.

At a personal level, I finished up this report last night after my board meeting. During that board meeting, I was thinking about this report and I looked around at them. If I lost that board structure, if I lost the majority of those volunteer members, I'd lose my support structure too, I'd lose my policymaking body. I would have to do a lot more work in the future if I didn't have that kind of board structure behind me.

1430

Charging fees for what Bill 109 apparently calls frills, ie, non-book materials: Our stand is that information is information. If I've got a book on — in my report here, I say spousal abuse; it just came to mind because we just got a donation of materials on spousal abuse. Is a book any better than a videotape, any better than a talking book, any better than information downloaded off the Web? Not really. Some people would find the video or the talking book more effective in its presentation. Some people, because of their difficulty with reading and comprehending, digesting the written word, would definitely find the non-book material more suited. Why should these people have to pay for using non-book material? I'd like to support the gentleman from Thunder Bay: Videos and talking books tend to be cheaper than books, and the Internet is free, in Dryden anyway.

At present, we charge for some services. These tend to be services that are not directly library oriented: faxing, photocopying, room rentals, equipment rentals. The public understands and accepts that, just as they accept paying fines for overdue materials.

The money generated at the Dryden Public Library for these special services is a very small part of our budget. If we have to charge, by municipal decree, for items like videotapes and talking books, the money we would recover from that would in no way make up for the approximately \$50,000 we're going to lose from the province in the future. It's just not a cost-recovery basis here.

Funding: Direct grants are being phased out. It's the government's contention that municipalities will fund the difference, what's left over after they no longer have to pay for education, but there is no requirement for them to do so, and we don't see them doing so. Over the last five years, municipalities have been in a cost reduction mode, and we don't foresee that changing.

My concern is for myself, but it's also for the smaller libraries, many libraries in northwestern Ontario. Dryden is considered a major library. We've got a municipal population of 6,500. We're a major library outside of Thunder Bay. I'm barely scraping by. The municipal funding through provincial grant this year is \$30,000. That's my entire materials budget this year. The rest of the money goes for wages, rent and utilities, items that I have literally no control over. Once I lose that, then it's cutting staff and cutting hours.

If that's the situation I'm in, then I'm worried about Ear Falls, Red Lake, Balmertown, Sioux Lookout, Beardmore, Nakina, Geraldton. I feel sorry for them, and I can see some of our small libraries closing if the provincial grant is gone. I would really like to see the retention of some sort of safety net funding to keep these small libraries going, a preferred library grant for small libraries.

If it is the government's decision to totally end funding, as has been stated, then I would like to see it phased out over a little bit longer than presently planned; just maintain the 20% cut per year until we're down to 0%. Especially now, when municipalities are reeling from the perceived effects of all the downloading the province is doing, we need some kind of infusion from the province

just to keep us going until we can see some kind of sky, whether it be blue or grey, at the end of the tunnel.

There are a couple of items that aren't in my report, and I'll touch on only one. With all the downloading that's been going on, the library has been cut year after year at the municipal level and lately by the province. I was talking to other colleagues lately, and our mutual feeling is that now is the time to retire, now is the time to get out, before we see the end of public libraries as we know them. It's a common feeling. When your senior management group in the library field is thinking this way, then there's something wrong.

In conclusion, as I've already mentioned, we recommend: retention of citizen majority representation on boards; the retention of qualification for board members; the establishing of minimum standards for frequency of board meetings; establishing of minimum standards for board size; the retention of the principle of free access of information regardless of format; the retention of the public library grant for those libraries in northwestern Ontario that would cease to operate without this safety net funding; continued gradual reduction in public library grants rather than a complete cessation in 1998; and the retention of the requirement that board meetings be open to the public.

I look forward to your questions.

Mr Shea: I begin by reflecting on your point and the point raised by the deputant before you. You say, "If it ain't broke, don't fix it." The assumption is that things are working just fine right now, and it's intriguing to hear that when the Association of Municipalities of Ontario totally disagrees with that. I'm pleased you at least spoke about the downloading that is going on from the federal government to the province. At least that's a fair recognition.

It is not a downloading that's now taking place between the province and municipalities. It is a financial disentanglement where we are saying for the first time in the history of this province that we want to ensure we know who we hold accountable for what's being done, who does has responsibility for what services, who we hold accountable if we don't like the way those services are performed or provided.

The Who Does What panel, for example, led by David Crombie — I think in some cases the minister and other ministers have done some modifications — in an attempt to try to sort out who's doing what and where and why and so forth indicated that education comes off the property tax and other things go back on, so we try to ensure that, along with special transition funds that will be made available, there is at most a very modest impact upon municipalities.

The panel went on to say, "Abolish library boards." The minister was not prepared to accept that. The minister was very firm in suggesting that's simply not good enough, but what we have to do is recognize this disentanglement, even politically, and begin to say the municipalities are the ones that are responsible for most of the funding of libraries right now. I think even you would agree with that; 90% in the case of your library is a case in point.

It would seem appropriate to suggest that if they are accountable, if they are responsible, surely they're the ones who have to stand before the electorate of their community and justify their actions, whether it's the actions we see in one municipality that has been presented today that seems certainly out of character with all the other municipalities we've heard from, or if it's one of different variations of cooperation.

The library boards are not directly elected. The library boards are not the ones that have to raise the rates. Do you find that a difficult issue to wrestle with?

Mr Buffett: No, I don't, because library boards are accountable to their council 365 days a year. Councillors are accountable to their constituency once every three years.

Mr Shea: Let me just pick up —

The Chair: Thank you, Mr Shea. Sorry, you had a long preamble there.

Mr Shea: What a pity, because that's not true — sorry, that's not quite accurate.

Mr Gravelle: I don't want to argue with Mr Shea because we've got along very well in the last three or four days. I know you are listening to these submissions seriously, but in terms of AMO, the Association of Municipalities of Ontario, they weren't saying, "It's broke, therefore fix it." They were saying, "If you're going to download this on us, then we think this is not going far enough." That's what AMO is truly saying. They really are saying that.

It seems to me that this whole issue, even if we get into the issue of disentanglement, maybe comes down to the government saying ultimately, "We don't think we should be involved in libraries." In other words, that's the disentanglement. That's one of the arguments we've heard in the last three or four days. We talk about the education system being important and they are saying, "We'll take responsibility," yet they're going to say, "We shouldn't have any responsibility for libraries," which are part of the education system, as far as we're concerned. I wouldn't mind having you comment on that. It just seems very strange to me that they would be abandoning the library system.

Mr Buffett: I found it extremely funny, and I have a great deal of respect for the government for playing such a beautiful sting on AMO, because AMO has been striving for this type of legislation for years and the government turned around with that beautiful little shell game and gave them what they wanted, but an empty shell; no funding. I thought it was perfect.

1440

Mr Gravelle: I stepped out for about a minute or so of your presentation. I am curious about the situation in Dryden in terms of council and whether you've had any discussions with them or have any idea publicly what they are planning to do.

Mr Buffett: We have had discussions with our mayor, and informally with some members of council. They are very supportive of the public library and the board structure. However, they refuse to make any commitment whatsoever towards the future relationship between the board and council. They feel that is entirely up to the

new council and they wish to play no part in it at this point in time.

The Chair: Thank you, Mr Buffett, for coming forward and making your presentation today.

Mr Shea: On a point of order, Chair: Earlier this week Mr Gravelle asked several questions of me concerning section 28, questions on the Public Libraries Act specifically. I'm prepared to read my answers to him into the record now, or if he wishes to dispense, I'll have them tabled with the committee for his information and assistance.

Mr Gravelle: If you could just table them with the committee, we'll look at them.

Mr Shea: If that's agreeable with the Chair, if we dispense with the reading, I'll make sure it's tabled for the record and it'll be there for you.

Mr Gravelle: Thank you.

Mr Shea: Not at all.

Mr Gravelle: Could I have a quick point of order too, Chair?

The Chair: Certainly.

Mr Gravelle: I just want to put into the record two written briefs from people who were not able to make the schedule: one by Bev Rizzi, representing Mothers for Education, and one by Susanne Marquardt, also with Mothers for Education. They would love to have appeared but were not able to get on the schedule.

GERALDTON PUBLIC LIBRARY

The Chair: I understand that Craig Nuttal is not with us yet, but Carol Cooke is, so I'd like to move to Carol's presentation. Good afternoon and welcome to the committee.

Ms Carol Cooke: I'm sure you are all aware of the various analogies used to describe the relationship between Queen's Park in Toronto and the people in communities of the north like Geraldton. My particular favourite is that if Ontario is a pond and a pebble is dropped into the middle of the pond — and we all know where the middle is — by the time the ripples reach Geraldton, they have formed a tidal wave.

I would like to thank the ladies and gentlemen of this panel for giving me the opportunity to surface and share with you the concerns of our community and our library board about Bill 109.

I will begin by telling you about Geraldton and the important role the library plays in our community. Next, I will specify the parts of Bill 109 that concern us. Finally, I would like to make some suggestions to ensure the future of a strong library network in northern Ontario.

Geraldton is located 270 kilometres northeast of Thunder Bay. It has a population of approximately 2,500 people of Ojibway, French and English backgrounds, and the library collection reflects the multicultural makeup of our community. Seventy per cent of the people who live in Geraldton belong to the library. This high percentage of patronage should guarantee the continued existence of the library in Geraldton.

Many of us, however, fear that this is not the case and that the library's very existence is tenuous at best. Let me explain our concerns. Our budget is now 40% less than

it was in 1995. Moreover, we could be facing another budget cut of \$5,000 next year. Occurring concomitantly with our drastic decrease in finances, we have been automating our library services and attempting to update the computer technology offered within our library.

I am sure you know these types of projects are expensive. To an isolated community like Geraldton, however, it is imperative that we offer our student patrons access to the technology that is taken for granted in many more populated parts of Ontario. Our local municipal council has justified the library budget cuts by saying that no municipal department is sacrosanct and every department has been cut to some degree. I must add here that we enjoy a good relationship with our municipal council and that we have some very strong advocates on our municipal council. Yet not one member of our municipal council is a regular library user. One must ponder here how it is possible to value an institution one does not use.

I have been told our library will continue to exist as long as our high patronage continues. In other words, as long as our usage remains high we will receive some type of funding. When our department is forced to compete for money with the many other departments of the municipality that offer such essential services as hospital administration and road maintenance, I fear the continuation of a current and informative library service will be in jeopardy.

At the present time, our library is open for a total of 30 hours a week and is staffed by three part-time librarians. One of our librarians can provide services in French, while another is computer-literate. Our third librarian is the chief librarian and has the duties commensurate with her position. Apart from their regular duties in the library, these women conduct a bilingual children's story hour and they deliver books to senior citizens, shut-ins and people in hospital. Our librarians are three very busy women. Given their various areas of expertise, Geraldton cannot afford to lose even one of them. Cutting staff, unfortunately, is the next step in dealing with our dwindling financial resources.

In books and brochures that discuss the history of Geraldton, our library has been touted as one of Geraldton's greatest assets. Indeed, the library has been a vital part of our community since its inception in 1946. It would be a sad spectacle to see our library die the death of a thousand cuts.

I have just described the historical and the present status of the library in Geraldton. Certain sections of Bill 109 greatly increase my concern for the future viability of this important institution within our community. Specifically, I refer to the legislation that allows the municipality the power to determine the composition of the library board and the restriction of a patron's right to free access to all the library's resources.

Presently, our board consists of four townspeople, one member from council, the head librarian and a secretary. Four people from our town have applied to the municipality and been approved to serve as library trustees in a voluntary capacity. We share a love of books, a dedication to literacy and a recognition of the importance of the library to our community.

These shared values are reflected in the mission statement the library board drafted in 1996: "The mission of the Geraldton Centennial Public Library is to provide selected reading/listening resource material in an innovative lifelong learning environment designed to contribute to individual literacy and to the quality of life of the residents of Geraldton." The bottom line here is that the library trustees care about our library and we care about the continued success of the library in our community.

For example, in the past year, in an effort to cope with our reduced funding, the library board has attempted to fund-raise through joint ventures with our local service groups. Moreover, we have established a charitable number for donations from local citizens and we have developed a plan to solicit corporate funding. While we cannot hope to raise enough money to make up for our budget shortfall, board members are committed to exploring alternative avenues to generate the necessary funding to make our library work well.

The Geraldton library board has not limited its efforts to developing new ways of fund-raising. Recently, the library board has developed and introduced an innovative program targeted at young adults aged 10 to 13. A cooperative education student from the high school is working with students from both the public and the separate schools on using the library Internet access computer for research purposes. The cooperative education student is a first nations individual, and he is working with French, French immersion, and English students. I ask you, how many successful programs such as this one can be run in a community like ours? I suggest to you that the fact that this program has been developed and sponsored through a non-threatening institution like the library is a large part of the reason for its success.

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Now members of our library board are working on developing an adult literacy program. We will again use the non-threatening persona of the library to recruit literacy tutors and to encourage the adults in Geraldton who need to improve their reading skills to come forward and receive free instruction. Furthermore, the board is working on the formation of a Friends-of-the-Library group to increase public advocacy for the library in Geraldton. Innovative, inclusive programs such as these are possible because of dedicated citizen board members. I fear that if the library board is not made up of a majority of citizen volunteers whose sole concern is the promotion of the library, library service and indeed the library itself, if it survives, will become subject to the short-term political agenda of the municipal council.

My next major concern with Bill 109 is the limitation of the materials to which our patrons have free access. As I have mentioned, Geraldton is an isolated community. It is absolutely vital for us to keep in touch with the rest of northern Ontario, southern Ontario and other Canadian provinces. The possibility of paying fees for interlibrary loans, books on tape or computer usage could be the death knell for our small library.

Our budget, as I have already mentioned, has been slashed. As a result, we can no longer afford to maintain our membership in the Canadian Library Association, nor can we afford to subscribe to a newspaper such as the *Globe and Mail* or to a children's magazine like the

Child's World Book. Without free access to a pool of resources which can be shared by a number of libraries in the north, we will not be able to offer the people of our community important and timely information. The window on the world that our library should offer our community could effectively be closed. I urge you, therefore, to rethink these two parts of Bill 109 and to enact legislation that does not further marginalize the citizens of Ontario's northern communities.

My suggestion? The library's future as an important social and cultural institution depends on the recommendations this panel will make to the government. A series of programs and grants that inspire the innovative use of library facilities would go far to encourage library boards to suggest, develop and implement programs that positively affect the lifelong learning that each citizen of Ontario should have a right to pursue.

Mr Gravelle: Thank you very much for coming from Geraldton. We've been trying to make the point that everybody's travelling long distances, which sends a message, and I'm sure it's appreciated by everybody who's done so.

Can you be specific on what it would mean in terms of the the provincial moneys you get? I'm not sure what the totals are. Let's say that's gone tomorrow afternoon. What does that mean?

Ms Cooke: What's happened in the past is that when the provincial grants have been cut back it has not been made up by our municipal council. That's why our budget is 40% less this day than it was two years ago. It just hasn't been made up. Our book budget has been affected, whether we can buy computers has been affected; as I mentioned, our subscription to magazines. We no longer can communicate with the rest of Ontario.

Mr Gravelle: Is it reasonable to think it will be made up in the future with council? Shouldn't we be making the point that there are all these other things going on in terms of municipal downloading? Is it realistic?

Ms Cooke: I don't believe it is. The problem with what we're doing here is that the library is essentially a cultural organization, and the effects of using the library, library usership in the community, are not short-term, they're long-term; you'll see them in the long run. Our municipal council — it's a business and I can understand that, but quite frankly the library board is regarded as the dumb blonde on the block; nobody takes us seriously.

Mr Martin: You've listed a number of things that are of concern to you and you won't be surprised, and I think you referenced it yourself, that these are consistent with what we're hearing from other library groups or friends of libraries or people who have a tremendous interest in libraries. Also, from listening to you I can't help but be impressed with the effort being made by library boards and volunteers to deal with the challenges coming down that are in many ways beyond anybody's control in some senses.

I'm wondering, in the mix of all this as it goes forward and the various things that could be changed and might be changed and may not be changed, which in your mind would be the most important piece if there was a choice to be made re your future as a library?

Ms Cooke: To me the issue of governance, of the majority of citizen volunteers on the board, is absolutely

crucial because for these people their sole concern is the promotion of the library in the community. If it becomes a committee of council or if the council has more representatives on the board, their concern is not for literacy; it is not for promoting the library. They have a political agenda. It is not a cultural agenda.

Mr Stewart: Thank you for your presentation. Over the last many years under a lot of different governments, downloading has consisted of the federal to the provincial level; the provincial people still paid them the money. Now the provincial level downloads to the municipality and the municipality still pays the province money. What is happening under Who Does What is that the downloading still happens but the municipality still will retain the property tax and they take the education tax.

If I look at the education cost to Beardmore, Longlac and Geraldton, it represents \$3,274,048, give or take. Your downloading or the amount of money you have to make up in those four municipalities has to be \$15,000. For the life of me I cannot figure out why they wouldn't do it. The difference now is that they will have the money they normally paid to the province for education. It's going to stay there for them to offset some of that.

That's one of the things they don't understand about the Who Does What: The money stays with the municipality to offset, yes, some health care, long-term care, but it also stays there to offset that. I know your mayor up there pretty well. Again for the life of me I could not see why they would not support and could not find \$15,000 out of savings of over \$3 million.

Ms Cooke: Michael Power is a great mayor and we have a wonderful relationship. Quite frankly, as I had mentioned in my presentation, he does support the library. Unfortunately, he has an awful lot on his plate right now —

Mr Stewart: I appreciate that.

Ms Cooke: — and the library is not his biggest concern. His biggest concern is dealing with amalgamation, for one thing, finding some kind of deal, and working on a new district heating plant and the airport.

The problem is that we're comparing apples and oranges here. We're comparing businesses, or facilities that should be run as a business, because I can appreciate that's where the money will be saved, versus a cultural institution like the library. They just cannot be put in the same basket and work effectively.

Mr Stewart: It's still a small amount of money, though.

Ms Cooke: I absolutely agree.

The Chair: Thank you, Ms Cooke, for coming forward and making your presentation today. We appreciate it.

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MICHIPICOTEN TOWNSHIP PUBLIC LIBRARY

The Chair: Would Sandra Weitzel please come forward. Good afternoon and welcome to the committee.

Ms Sandra Weitzel: I'm head librarian at the Michipicoten Township Public Library in Wawa, a community of 4,200 situated on the northeastern shore of Lake Superior. While my board didn't request me to come today, they are in complete support of my statements today.

The Michipicoten library is widely used by the residents of Wawa and the two surrounding villages that contract library services. In 1997 we expect a circulation of 60,000. Our membership rate is over 75%. We recently added a new section to the library with the assistance of the provincial, federal and municipal infrastructure program, almost doubling the size of our facility.

People in Wawa, Hawk Junction and Michipicoten First Nation value their library. It is a place where they can get information, for example, from the value of their 1995 Ford vehicle to the main industry of Belize, to the best restaurants in Britain. They can read the top 10 best sellers in the fiction or non-fiction categories according to the Globe and Mail. Their children can get the best picture books and adventure stories. Their teens can do research, work on school projects and find magazines and books they want to read for fun. Soon they will be able to surf the net and get on board the information highway right in their local library.

Michipicoten library takes pride in providing an excellent source of print material to its patrons, which include those people who are just passing through and wish to read or do research for the day. I believe this is the foundation of library service: providing print material of the best quality and selection to the community free of charge.

While technology is hugely important and the information highway is the equalizer of all libraries no matter what their geography in terms of access to information, the printed word is valued and cherished by many. Bill 109 ensures that the use of print material will remain free of charge, as will in-library use of any material and special-format items for those with disabilities. Bill 109 takes into account, I believe, that print material is essential and as such shall remain free of charge.

Some critics argue that print will some day vanish from libraries and the book will be replaced with computers. I and many patrons disagree. They have told me that the book will survive as long as people have imagination and others have the desire to experience that imagination. Our patrons state emphatically that it is impossible to curl up at night with a computer or take a computer into a tub of bubbles. It's true.

Ask any avid reader and they will tell you the future of the printed word on pages of paper bound together into a book is very safe. Bill 109 recognizes this and as such ensures that we will all continue, as is the tradition, to provide free access to print items in our public libraries.

When Bill 109 comes into effect, libraries will have the option of charging user fees for all non-print items with the exception of items such as books on cassette used by those with disabilities. Our library will charge a fee. The decision to charge a small but real fee came about after careful consideration. Many of our patrons and non-resident visitors have asked us repeatedly why we do not charge for the lending of music or video-cassettes. The reason once stated to them still did not make sense and they felt that the library should charge anyway.

Videos and music collections, while very important to the success of any library, are seen by the community as extras in terms of library service, therefore they are quite willing to pay a small amount to borrow these items.

These are comments my patrons and everyone in the community has made repeatedly.

The attitude would be dramatically different if libraries proposed charging a fee for the borrowing of print items, and so it should be. People view books and information technology as essential while other items, although vastly popular, are viewed as secondary and worthy of an extra charge to maintain as long as the charge is within reason.

Michipicoten library will likely be levying a fee of \$10 per year for a video and music membership and a fee of 85 cents per item checked out. Books on cassette will remain free of charge to not only the visually impaired but all patrons.

Provincial funding, when phased out, will allow municipalities to assume more responsibility for their libraries. I believe municipalities will do just that and will begin to consider libraries a completely local entity instead of one just outside of their reach that requires 75% of their operating budget from that same municipality.

I believe that by charging a small fee — patrons are already willing to pay for non-print items — Michipicoten library will more than recover the amount of the lost provincial funding that will likely occur in 1998. This does not mean, in my opinion, there will be an extra burden on taxpayers by charging them a fee for borrowing non-print items. It is actually a way for those who enjoy the extra service to fund it for the most part.

The amount collected from each taxpayer to support libraries should actually decrease as libraries have an opportunity for the first time to generate revenue. This does not mean, in my opinion, that mass charging for all items at inflated prices is what is in store for public libraries in the future. What Bill 109 means is that for certain items, libraries will be able to recover the cost of providing these items and others by charging a fee, to be determined at the local level, with local input, to suit local needs.

The amendment affecting the composition of library boards is, in my opinion, an improvement over the present act. While my community is small, some might say tiny, the library board regularly has seven to nine members, while municipal council has a total of four councillors and one reeve. Why would a library possibly require more people to sit as board members than an entire community needs as councillors? A board of nine people, which the library has had in the past, is difficult to assemble and manage, a board of seven is slightly easier, but a board of three or four is ideal.

Council themselves may even serve as the library board, which I believe will result in council as a whole understanding and appreciating the operations of libraries to a greater degree. Since many issues, ranging from funding to building maintenance in Michipicoten's particular situation, are concerns shared by council and municipal staff, working more closely with our municipality will prove to be beneficial, not detrimental.

In closing I wish to make it clear that in a perfect world where money is plentiful, traditional ways of doing business are successful and governments can afford to offer unlimited grants and taxpayers can afford to pay for them, no one, my board, my staff or I, would recommend charging fees at public libraries for anything. However, times have changed, fortunes have changed, ways of

doing business have changed, and the proposed amendments seem to make the library system more fair in terms of funding and more accountable in terms of governance to the communities that support and use them.

Mr Martin: Your brief is rather interesting in that it stands out, because you're probably the only library board that has come and said that.

Ms Weitzel: I got that feeling, yes. From the very beginning my board has been of the opinion that this is a good thing if it has to be. We have undertaken other measures. We have decided to do business a different way: We have looked at fund-raising; we are working with service clubs. You just never know where any funding is, where it's going to end, so we decided last year that we really have to look at a different way of doing business.

Mr Martin: You may not be aware that Wawa was my home town.

Ms Weitzel: Yes. I know your sister.

Mr Martin: When I lived there as a youngster, the oldest of seven kids, we appreciated the fact that the library was free because we didn't have much money around the house. For the library to have charged us for anything at that time would have meant we wouldn't get it. I just wonder if there are still people in Wawa today who might find the imposition of a fee a bit of a burden.

Ms Weitzel: I really doubt at the level of my board and council — we've been talking to council about this. They seem to think this is a fee, for those particular items, that is affordable.

Mr Martin: Will fees make up for the loss in provincial revenue?

Ms Weitzel: Yes.

Mrs Munro: I want to thank you for appearing before us here today and giving us, obviously, a different picture than we've seen.

Ms Weitzel: I'm leaving right away. I'm running out.

Mrs Munro: The purpose of hearings is precisely that: to be able to get a sense of what the issues are and also to hear some experiences people have that demonstrate the opportunities that are there to be taken and the ways to deal with the kinds of challenges that come along. I feel very strongly that in having you, in the context of what you've heard this afternoon, it's very important. Certainly throughout the days we have travelled we have heard not only those people who feel they're in crisis but also people who have been able to seize the opportunity and work something out.

What I would ask you then is, given the presentations you have been witness to here today, I'm wondering if there is one area of particular advice you would offer, where you see the pivotal point on what has allowed you to see this as an opportunity and what for others is a great obstacle.

Ms Weitzel: I think I'd find that hard to comment on. I got here at about a quarter to 3, so I only heard part of the Geraldton one. I don't really know. It's the basic thinking in Wawa by everyone, not just the library board and not just council. I think everyone realizes there has to be a new way of doing things and that's all there is to it. You can't just keep going along the same road. I think once everyone got used to that — change is good.

Change is not a bad thing. You can make things work. That's really all I can say.

Mr Gravelle: Thank you very much, Ms Weitzel. It really is an interesting way to end the day, none of us will deny that, because we certainly have heard from other library boards and people who work in the libraries directly who obviously have greater fears. Clearly you're an optimist, I guess, is another way of putting it.

If I've got it right, \$12,000 is the provincial funds you receive. I'm looking perhaps at old figures.

Ms Weitzel: Yes, they're old figures. Ours used to be \$15,000.

Mr Gravelle: And it is now —

Ms Weitzel: This year it will be \$8,800.

Mr Gravelle: Certainly the evidence we've had is that it really is very unlikely that you'll raise the money through user fees. Maybe 8% or 10% or even 6% is what you can raise from user fees. You're saying that's wrong.

Ms Weitzel: In our particular situation we expect that from videos and music, those items that will be subject to a user fee, if the circulation drops by 50%, we will still recover the amount of provincial funding we have this year. We'll recover that complete amount next year. It's being very pessimistic that it will drop by 50%. We don't expect that to happen.

I guess the whole thing too is that maybe this is just Wawa, I don't know, but we have had patrons weekly, daily, since January, saying, "Charge here." We get a lot of donations, because we say: "We can't charge you. We cannot do that right now." "Well, here's some money then."

Mr Gravelle: But don't you agree with the concept of absolutely equal accessibility?

Ms Weitzel: Of course I do.

Mr Gravelle: No matter what you say, there are going to be some people who will not access it. You may say they can afford it; they may say they cannot afford it. That's the concern. I think you're getting into an area where you really are denying equal accessibility, and we're going to be made to do it.

Ms Weitzel: My board and I have struggled with it. What we believe to be the foundation of a public library in this day and age, when things have to change, is what we're doing a very, very good job at providing right now, and that is an excellent print source. We have an excellent interlibrary loan system. We have an excellent reference system.

Mr Gravelle: Won't that be threatened, though, with other libraries —

The Chair: Mr Gravelle, we're out of time.

Mr Gravelle: Could we get a written copy of your brief?

Ms Weitzel: Can I mail you one?

The Chair: Yes. You can leave it with the clerk and we'll copy it for Mr Gravelle.

Thank you very much for coming in today and making a presentation. You've actually got a very nice group of people behind you. Don't worry, you don't have to rush to leave.

Thank you very much, committee members, and thank you to the folks of Thunder Bay for their hospitality.

We're adjourned until the call of the Chair.

The committee adjourned at 1515.

STANDING COMMITTEE ON GENERAL GOVERNMENT

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Vice-Chair / Vice-Présidente: Mrs Julia Munro (Durham-York PC)

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Official Report of Debates (Hansard)

Thursday 24 April 1997
Thursday 1 May 1997

**Standing committee on
general government**

Streamlining of
Administration of
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Journal des débats (Hansard)

Jeudi 24 avril 1997
Jeudi 1^{er} mai 1997

**Comité permanent des
affaires gouvernementales**

Loi de 1997 simplifiant
l'administration en ce qui a trait
aux infractions provinciales

Chair: David Tilson
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Président : David Tilson
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Thursday 24 April 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Jeudi 24 avril 1997

*The committee met at 0916 in room 151.*STREAMLINING OF ADMINISTRATION
OF PROVINCIAL OFFENCES ACT, 1997LOI DE 1997 SIMPLIFIANT
L'ADMINISTRATION EN CE QUI A TRAIT
AUX INFRACTIONS PROVINCIALES

Consideration of Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration / Projet de loi 108, Loi traitant des poursuites concernant certaines infractions provinciales, réduisant le double emploi et simplifiant l'administration.

The Vice-Chair (Mrs Julia Munro): I'd like to welcome you here to the standing committee on general government looking at Bill 108. We're going to begin with remarks from the parliamentary assistant.

Mr Peter Kormos (Welland-Thorold): Chair, one moment, please, on a point of order: This meeting was scheduled to begin at 9 am. The Chair was here, representatives of all three caucuses were here. Mr Colle — and I was aware that he was going to do that and I support him in his raising the lack of quorum — raised the issue of lack of quorum 11 minutes ago. As the Chair knows, the Chair can't play with the commencement time to protect the government caucus's interest in maintaining quorum. A quorum was brought to the attention of the Chair over 10 minutes ago and the Chair knows what the rules provide for in the absence of a quorum 10 minutes or more after a quorum call.

Please, you were here at 9 am, Mr Colle was here, I was here and Mr Flaherty was here, and I believe at least one other Tory caucus member, Mr Danford, was here. It is quite frankly playing fast and loose if there's not going to be any heed taken of Mr Colle's point of order on the lack of quorum.

The Vice-Chair: I just remind you that it's after the meeting has begun that you have the 10 minutes. Certainly I appreciate the concern that you have and this is why I have started the meeting now.

Mr Kormos: That is playing silly bugger with the rules and it shows partisanship on the part of the Chair, which is most unbecoming.

The Vice-Chair: It is up to the discretion of the Chair when we start. I just bring to your attention that that is the Chair's discretion. I appreciate your concern and certainly that's why we have begun now.

Mr Kormos: There's still a lack of quorum, now that it's approximately 9:18 in the morning.

The Vice-Chair: Are you asking for a quorum call to begin now then?

Mr Kormos: Asking for it? I'm pointing it out to you, Chair.

The Vice-Chair: All right. That's fine.

Mr Kormos: One doesn't have to ask for it, one simply raises the issue.

The Vice-Chair: We have noted that. Thank you.

Mr Mike Colle (Oakwood): On a point of order, Chair: I just can't figure this out. On my understanding of what you understand to be the rules, the Chair of a committee could sit here indefinitely, for an hour or two, then decide to call the meeting and decide that the quorum clock starts clicking at 10 o'clock or 11 o'clock. That doesn't make procedural sense to me.

This meeting was supposed to start at 9 o'clock. There was a six-minute leeway given. I asked you to note at six after 9, "There's no quorum, Madam Chair." If you say it is up to your discretion, we could sit here till noon and then you could say, "We're going to have a quorum call" and start the clock ticking at noon. I don't think that makes procedural sense and I would like to see the clerk comment on that.

Clerk of the Committee (Mr Tom Prins): It's up to the Chair to ensure the progress of the committee, so it is at the Chair's discretion when the gavel comes down. If there is all-party agreement or there is a quorum, the Chair would definitely start; otherwise it's up to her discretion. We've had a quorum call, so I suggest that we suspend hearings now for 10 minutes so the clock can start ticking.

Mr Kormos: The quorum call was two minutes ago.

Mr Jim Flaherty (Durham Centre): On the point of order, Chair: Despite the protestations of Mr Kormos, I think he realizes and most of us realize that it's rare for committee hearings at this place to start on time, mainly because members tend to straggle in.

Many of the members of this committee are not members who have apartments in Toronto, like Mr Kormos, and have to commute to Queen's Park. When a meeting starts at 9 o'clock in the morning, that presents difficulties not only for witnesses and presenters but also often for members who commute to Queen's Park rather than have a place in the city paid for by the taxpayers.

The Vice-Chair: We have suspended this for a quorum call for 10 minutes.

The committee recessed from 0921 to 0930.

The Vice-Chair: We don't have a quorum. Would you call the names.

Clerk of the Committee: The names of the members present are Mr Flaherty, Mr Tascona, Mr Boushy, Mr Fox, Mr Danford, Mr Kormos and Mrs Munro.

Mr Flaherty: On a point of order, Chair: We would have a quorum if Mr Colle for the Liberals, who was here 10 minutes ago, had not left the room. There are

sufficient government members here now, only one member of the NDP and no Liberals present. We have people from out of town here for these committee hearings today, from London and Kingston and other places, and I ask for unanimous consent to have a further 10-minute adjournment so that sufficient members will be present so the persons who are going to make presentations today will not have their time wasted in travelling to Queen's Park.

The Vice-Chair: I'm sorry, the rules are very clear on this. We must adjourn to the next meeting, which is —

Mr Flaherty: We have a quorum present now, Madam Chair, I believe.

Mr Kormos: It's too late now. It's 30 minutes after.

The Vice-Chair: I'm sorry, we must adjourn. This meeting stands adjourned until next Thursday.

The committee adjourned at 0931.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président: Mr Bart Maves (Niagara Falls PC)

Vice-Chair / Vice-Présidente: Mrs Julia Munro (Durham-York PC)

Mr Mike Colle (Oakwood L)
Mr Harry Danford (Hastings-Peterborough PC)
Mr Jim Flaherty (Durham Centre / -Centre PC)
Mr Michael Gravelle (Port Arthur L)
Mr Ernie Hardeman (Oxford PC)
Mr Rosario Marchese (Fort York ND)
Mr Bart Maves (Niagara Falls PC)
Mrs Julia Munro (Durham-York PC)
Mrs Lillian Ross (Hamilton West / -Ouest PC)
Mr Mario Sergio (Yorkview L)
Mr R. Gary Stewart (Peterborough PC)
Mr Joseph N. Tascona (Simcoe Centre / -Centre PC)
Mr Len Wood (Cochrane North / -Nord ND)
Mr Terence H. Young (Halton Centre / -Centre PC)

Substitutions present / Membres remplaçants présents:

Mr David Boushy (Sarnia PC)
Mr Gary Fox (Prince Edward-Lennox PC)
Mr Peter Kormos (Welland-Thorold ND)

Clerk / Greffier: Mr Tom Prins

Staff / Personnel: Mr Jerry Richmond, research officer, Legislative Research Service

The committee met at 0906 in room 151.

ELECTION OF CHAIR

Clerk of the Committee (Mr Tom Prins): Honourable members, it's my duty to call upon you to elect a Chair. Are there any nominations?

Mr Ted Chudleigh (Halton North): It gives me great honour and privilege to nominate the member for Dufferin-Peel, Mr Tilson, as Chair of the committee.

Clerk of the Committee: Thank you very much. Are there any further nominations? There being no further nominations, I declare the nominations closed and Mr Tilson elected Chair.

STREAMLINING OF ADMINISTRATION OF PROVINCIAL OFFENCES ACT, 1997

LOI DE 1997 SIMPLIFIANT L'ADMINISTRATION EN CE QUI A TRAIT AUX INFRACTIONS PROVINCIALES (continued)

The Chair (Mr David Tilson): Good morning. I'm looking forward to an interesting session on this committee. I have sat on this committee in the past and I know it always deals with interesting issues.

The first bill that's before us this morning is Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration. I believe you all have the agenda before you.

The first speaker is the parliamentary assistant, Mr Flaherty, who is speaking on behalf of the minister. Mr Flaherty, you have 15 minutes, after which each caucus has five minutes to make either a statement or a question to you. The floor is yours.

STATEMENT BY THE MINISTRY AND RESPONSES

Mr Jim Flaherty (Durham Centre): Mr Chairman and members of the committee, I appreciate this opportunity to make some remarks about Bill 108 before you begin the public hearings this morning. Before I do, however, I would also like to say a brief word of thanks to the many municipal, judicial, legal and enforcement individuals and organizations that have already assisted the Ministry of the Attorney General with this project. Their input and cooperation has been much appreciated by this government, and we look forward to continuing this productive relationship as we proceed through both the legislative and implementation processes.

As you know, Bill 108 proposes amendments that will enable the government to transfer to municipalities all of the remaining administrative functions and some of the prosecutorial functions of the Provincial Offences Act. The government is proposing this transfer for a number of reasons.

First of all, we have made a commitment to eliminating government waste and duplication.

Second, we know that it works. Four years ago parking tickets were successfully transferred to municipalities. They now handle 95% of them. This experience has shown that services can be provided to the public at a

lower cost and that there are a number of other benefits to be gained by involving municipalities more directly in local justice. We are now taking the next logical step.

The transfer was recommended by the Crombie Who Does What panel.

By allowing municipalities to prosecute minor ticket-type offences, the province is able to focus on prosecuting dangerous criminal offences.

Finally, we are creating a new revenue source for municipalities, estimated at up to \$65 million annually, which can be spent on further improving local services.

This morning I would like to provide the committee with the bill's highlights. As you will hear, we have recognized the need to ensure consistent standards for the administration of justice; we have ensured the continuation of contributions to the victim fine surcharge; we have ensured that the transfer will occur in as smooth a manner as possible; we have turned fine revenues over to partner municipalities; and we have taken steps to ensure that the terms of the partnership agreements are adhered to.

As the committee knows, the Provincial Offences Act provides that charges under provincial acts can be laid under one of three parts of the act, part I, part II and part III, each one of which has its own procedural stream.

Part I offences relate to certificates of offence or ticketing procedures. Approximately 80% of these part I offences are issued under the Highway Traffic Act. Infractions include speeding up to 49 kilometres over the limit; failing to stop at a red light or a stop sign; and failure to wear a seatbelt. Other part I offences include minor Liquor Licence Act infractions, such as having an open bottle of liquor or being intoxicated in a public place, as well as ticket scalping under the Ticket Speculation Act.

Part II offences are parking tickets which, as I stated earlier, are almost entirely under municipal control already.

Part III offences, largely Highway Traffic Act offences, are often more complex and can result in jail sentences.

The responsibilities to be transferred to municipalities under Bill 108 include first of all administration of parts I, II and III of the Provincial Offences Act, and then prosecution of part I ticketable offences. The province will continue to prosecute part III offences. Allowing municipalities to prosecute minor ticketable offences will enable the province to focus on prosecuting more serious criminal matters.

I should emphasize that Bill 108 makes no changes to law enforcement or adjudication of provincial offences. Police or enforcement officers will continue to lay charges and provincially appointed judges and justices of the peace will continue to decide Provincial Offences Act matters.

Since our government remains committed to victims of crime, our amendments guarantee that fine revenues will continue to be subject to the victim fine surcharge. These moneys will be directed to the victims' justice fund, a dedicated fund for providing services to victims of crime. Section 1 of part I amends section 60.1 of the Provincial Offences Act to ensure that fine payments made by a defendant are first credited towards the victim fine surcharge.

While Bill 108 continues the move to transfer matters that have local impact into the control and accountability of local authorities, it does so with full appreciation of the need for consistent provincial standards for the administration of justice. This is why the province will retain responsibility for setting and monitoring standards in order to ensure uniform, fair and equal justice. Let me stress that the maintenance of current standards and the preservation of the integrity of the justice system are fundamental to this transfer.

The Ministry of the Attorney General will issue clear program standards which all partner municipalities will be required to meet. A committee of external and internal legal and academic experts is currently developing province-wide standards which will be laid out in a memorandum of understanding between the Attorney General and the municipal partners.

Some of the specific highlights of Bill 108 are as follows.

Section 162 gives the Attorney General the power to make agreements with municipalities that authorize them to perform court administration and court support functions for all provincial offences and federal contraventions, as well as prosecution functions for cases which proceed under parts I and II of the Provincial Offences Act. The section states that performance standards and sanctions shall be detailed in the agreement, that the municipality shall meet the standards, and that it is subject to sanctions for non-compliance.

Section 163 of the bill enables small municipalities, which may have limited resources, to join with others to provide administrative functions and to assume and implement Provincial Offences Act duties as smoothly as possible.

Section 164 ensures that the agreements we sign are a matter of public record.

I mentioned that Bill 108 provides a new revenue source for municipalities. Section 165 creates authority for municipalities to collect and enforce fines and prohibits municipalities from arresting and incarcerating persons who have not paid their fines. Municipalities will be able to enforce fine payment through civil enforcement and private collection agencies, and may also access the Ministry of Transportation's sanctions of denial of driver's licence and vehicle registration renewals. This section also allows the municipalities to keep the balance of fine revenues after they remit specified payments to the province.

Section 167 sets out special rules to apply when an agreement is in effect. For example, hearings must still be held in the location where the offence occurred, as required by section 29 of the Provincial Offences Act. In order to help municipalities address local needs, however, hearings can be held in municipal facilities and court offices can be outside the courthouse.

Importantly, section 168 preserves the Attorney General's existing right to intervene only in the prosecution of a case, or in an appeal, where the interests of justice require it.

Under section 170 the Attorney General can order a municipality to comply with the terms of a partnership agreement within a specified time and can suspend,

revoke or cancel the agreement if the municipality does not comply with the order.

Section 171 authorizes the agreement to include a provision for a review committee whose functions and composition will be determined by regulation. The review committee will be the primary mechanism for monitoring municipal compliance with the agreement.

Section 173 allows the Attorney General to make regulations that are designed to provide for the effective implementation of agreements, to describe the review committee, to impose obligations on third parties and to provide for fine payment during transition.

We are aware, of course, that some municipalities may be too small to take over provincial offences on their own. Section 174 allows for joint agreements to be made with two or more municipalities, which will permit greater flexibility and economies of scale.

The consequential amendments to section 3 of the Municipal Act will allow regional, metropolitan and district municipalities to make agreements with the Attorney General. They also give municipalities the power to perform these responsibilities in areas outside their territorial limits as specified in the agreement.

I would now like to provide the committee with some information about the Ministry of the Attorney General's plans for implementing the transfer.

The province will be inviting municipalities to consider partnership in the Provincial Offences Act transfer. Interested municipalities will receive a proposal package which will detail criteria and outline the scope of the work to be transferred. In the package, the province will also provide interested municipalities with financial information related to provincial offences in their areas.

Those municipalities wanting to apply for partnership will be required to submit proposals, which will be evaluated according to specific selection criteria. Once selected, a municipality will sign a memorandum of understanding which will set out clearly the respective roles of the Attorney General and the municipality.

Transfer will take place in a phased process. The initial rollout will begin with a group of approximately 10 municipalities. The phased process will enable the initial partner municipalities to use their experiences and expertise to assist other municipalities as they come on stream. We expect the transfer of responsibilities will start this year and be completed within the next two years, when approximately 75 municipal partnerships will be formed. I should advise the committee that the Ministry of the Attorney General has already received several expressions of interest from various Ontario municipalities.

Mr Chairman and committee members, this government believes it has a responsibility to eliminate government waste and duplication and to provide government at the most appropriate level wherever it can. Bill 108 helps achieve both of these objectives.

Furthermore, we know from experience with parking tickets that it works. We have a responsibility, therefore, to take the next logical step and transfer the functions being proposed in Bill 108 to the municipal level.

Municipalities have already responded enthusiastically to the opportunity to increase their local revenues and to

take on additional responsibility for local justice matters, and taxpayers will, I am sure, be equally supportive of a system that enables the province to focus justice resources on more serious offences. Thank you.

0920

Ms Annamarie Castrilli (Downsview): May I say at the outset that I wish you well in your term as Chair of this committee. I sit here as the Chair of another committee. I notice some former Chairs. I know how difficult your task will be at times, but it'll be very rewarding, I am sure.

The Chair: I'm not sure whether or not that's a compliment, but thank you very much.

Ms Castrilli: It is intended to be.

This is a piece of legislation which cannot really be considered on its own. I think we all agree there is a need to streamline the judicial process to ensure that there is no duplication. I can't imagine that any one of us who would take issue with that.

The problem is whether this particular piece of legislation achieves those goals. In that context, I'd like to raise some questions. I'm not sure whether the parliamentary assistant will have time to respond to them, but the concerns I would bring to the committee are as follows.

Remember that this bill is the result of recommendations that were made by the Who Does What committee, originally chaired by David Crombie. At the time David Crombie thought this government's initiative would generate some \$65 million, which in fact the parliamentary assistant has indicated. The Crombie commission was much more conservative. It stated that it would be \$30 million, certainly no more \$40 million, that would be generated.

When you look at this particular piece of legislation and you factor in the startup costs and you factor in the deductions the government is going to take off that revenue — municipal administration, adjudication, prosecutorial costs and the 15% victim fine surcharge for victims' justice fund, which has been mentioned here — one wonders how much there will be left for municipalities. That's a real concern. The government really hasn't produced any indication of what the actual financial implications will be.

Municipalities are going blind into this arrangement, which at first would seem to be, if you're looking just at the revenue sharing, very reasonable. There have been no data presented that would indicate it would be a financially viable agreement.

The next concern I'd like to raise, apart from the fact that any savings that are generated might be negated by the issues I mentioned before, is that while the parliamentary assistant talked about standards, again the legislation doesn't deal with that, and municipalities and the people of Ontario are going to be left to take it on faith that there will be standards. But even assuming there are standards, not all municipalities will have the manpower and the ability to enforce whatever standards are in place. Again there is an issue here of going blind into this particular situation. One is left with the impression that not all the facts are on the table. I think before municipalities enter into it, they must be given very clear statements as to what they're getting into.

With respect to the memorandum of understanding which the bill contemplates, while it certainly speaks to the agreement, it says nothing about what happens if municipalities feel that the agreement is not working out. There is no provision for them to get out if it turns out that this is not a revenue-sharing initiative for them that's cost-effective, if it turns out that the administration costs are too high, that the standards can't be met by some of the municipalities. I say to the parliamentary assistant that it's really unfortunate that the bill doesn't deal with that. I would urge that this is an area that should be looked at.

Mike Harris is very fond of saying that there is only one taxpayer, and we agree with him. The danger we fear with this bill is that this is one more measure to offload costs on to municipalities. You must give assurances to municipalities that this isn't the case.

Il y a un dernier point que je dois faire ce matin, et c'est que la loi présente une difficulté pour les Franco-Ontariens en particulier. Vous savez que la Loi 8 dit clairement que les municipalités ne font pas partie de la Loi sur les infractions provinciales.

Une fois que cette loi entre en vigueur, vraiment les Franco-Ontariens doivent s'en préoccuper, s'ils auront accès à la justice dans cette province, parce qu'il n'y aura pas la responsabilité de la part des municipalités de donner des services en français, ce qu'ils ont maintenant au niveau provincial. Avec ça, je conclus.

Mr Len Wood (Cochrane North): Congratulations on your election as Chair of this committee. I'm sure it's going to be interesting as we continue on.

On Bill 108 there's no doubt, from what I understand, that a lot of municipalities are in support of the transfer of these duties over to municipalities, but there are also a number of questions that have been brought up, and I just want to carry on from the Liberal member's questioning.

A lot of offences that are being prosecuted right now are protected under Bill 8, under provincial offences, but when you transfer these over to municipalities, from what I understand, that does not necessarily come under this legislation, Bill 108, and we would be looking for amendments.

In my particular area, for example, the population is 95% francophone, so if you're changing offences from provincial jurisdiction over to the municipalities, the services these communities are given now should be carried on under the French Language Services Act. That's going to be a concern as the hearings continue, and we'll be looking for amendments to make sure these people are protected and that they don't end up in the same jackpot as the Montfort Hospital, where they feel the only francophone hospital in Canada is being shut down by Mike Harris. That's a concern.

We will be looking for the draft agreements that have been reached with the municipalities. Is the French language guarantee in those agreements? There must be draft agreements out there now that we could get copies of so we would know where we're going.

There's a concern about who's paying the costs of startup. One municipality's estimation is that the startup costs are going to be \$300,000 or more for rental space, staff, office equipment. What type of revenue are they

going to receive in return? Is it going to cost them money?

0930

Now that the municipalities are going to be controlling police budgets, rather than the police services boards, are the municipalities, in order to gain extra revenue, going to be setting quotas for the officers who are out there, given the charges? Are some areas of municipalities going to be neglected and they'll target certain areas so they can increase revenue?

There is a cost of operating this and it has to balance it, especially when some of the municipalities in my area are looking at tax increases of \$400, \$500, \$600. Some of the municipalities might have to double their taxes in order to pay for the services they've been paying for, for now. They'd like to see the revenue, but is the cost of it going to be more than what revenue they're going to take in?

We know that the transfer is going to take place, from what I understand, starting in 1997 and continuing on over the next two years. But 1997 is a very trying year for most of the municipalities in Ontario and especially in northern Ontario, where every six or seven municipalities are being told they must wipe out themselves, wipe out their administrators and elect one government, a mayor and six or seven or 10 councillors to represent these eight or 10 municipalities. If they don't do that by January 1, 1998, they're going to lose out on any compensation from the \$1-billion compensation package that's out there.

There's a lot of turmoil out there right across Ontario by the heavy-handed dealings of the Minister of Municipal Affairs, so this throws a lot of things into jeopardy. I know there's a lot of support for Bill 108, but some amendments are going to have to be brought forward so it makes sense to the people in Ontario, especially in northern Ontario.

Mr Harry Danford (Hastings-Peterborough): I'd also like to congratulate the Chair on assuming this position.

I have one short question for the parliamentary assistant. We've seen what success has happened over the last few years with the parking situation, but now that we're expanding the bill and allowing for a number of other things to happen — you spoke in your opening comments about the interest from the municipalities — I wonder if you could expand a little bit more on that and give us a little clearer indication about what level of interest there is by the municipalities in Bill 108.

Mr Flaherty: There is significant interest by municipalities. They'd expressed interest already in participating in proposals, which are not yet available for them, in the proposal package. It's anticipated that some municipalities will get together and cooperate because of the size of some of the smaller municipalities. They could work together in their proposals to the Ministry of the Attorney General.

The revenues are attractive to municipalities. There's no question that based on past years, and I'll give some statistics, substantial revenues will be available to municipalities. The average annual Provincial Offences Act revenue during a four-year period, and this is from

1992-93 to 1995-96, was approximately \$100 million. The question of the expenses one incurs in order to earn that income has come up. In 1995-96 the Ministry of the Attorney General spent approximately \$35 million on operating expenses to run the Provincial Offences Act program. It is estimated that for municipalities the Provincial Offences Act program has a potential annual net revenue range up to \$165 million, which is the figure I used in my opening remarks.

The municipalities will also have the benefit of having information concerning the number of provincial offences in their area so they can localize their own proposals in their negotiations with the Ministry of the Attorney General before entering into memoranda of agreement with the ministry.

Mr Danford: I have no more questions. Unless the other members of the committee do, perhaps the parliamentary assistant would like to use the time left to perhaps address some of the ones that were — I'll leave that up to him.

The Chair: It's up to the Conservatives. You've got a total of five minutes and you've got a few minutes left.

Mr Flaherty: There was a question raised about standards and how standards are to be stipulated. The standards are to be set out in the memoranda of agreement. As I mentioned in the opening remarks, those memoranda are to be made public, so the standards will be a matter of public record for everyone in the province to look at and observe and make sure they're maintained and honoured.

With respect to the question concerning non-performance by municipalities if they don't live up to the terms of the agreement, as I mentioned earlier, the Attorney General retains his supervisory function, his power of intervention under section 168 of the act, and ultimately if there is non-compliance then the agreement could be terminated by reason of that non-compliance with the terms of the agreement.

With respect to the issue of French trials and the administration of justice in French, the Courts of Justice Act guarantees and continues to guarantee the right to a trial in either English or French. A number of municipalities in Ontario have already passed resolutions with respect to services in both languages.

Over 50 of Ontario's municipalities located in the province's designated areas have voluntarily passed resolutions declaring themselves officially bilingual, and these municipalities represent 63% of the total French-speaking population located in these designated areas.

The Chair: That concludes the preliminary comments of the parliamentary assistant and each government caucus. We'll now commence the hearing from public deputations. I think you all have an agenda before you.

ASSOCIATION DES JURISTES D'EXPRESSION FRANÇAISE DE L'ONTARIO

The Chair: The first deputation is the Association des juristes d'expression française de l'Ontario. The directeur général is M. Lévesque. Bonjour. Perhaps for the record you could introduce each member of your delegation, and then you have 20 minutes for a presentation and/or

questions. So if you wish to have questions from the various caucuses, you would have to allow time at the end.

M. Gérard Lévesque : Merci, Monsieur le Président. Vu que la traduction simultanée est fournie aux membres, nous allons faire une partie de la présentation en français. Je présente notre président, M^e Michel Landry de Hawkesbury, et notre vice-présidente, M^e Nathalie Boutet de Toronto.

M. Michel Landry : Bonjour, membres du comité. Le projet de loi 108 et tout projet portant sur sa dévolution des services aux municipalités est une chose qui nous préoccupe énormément ; il demeure de grande importance aux francophones de l'Ontario. Notre exposé sera divisé comme suit : d'abord nous allons vous présenter le problème perçu par l'AJEFO au niveau du projet de loi 108 ; les lois provinciales existantes ; dans un troisième terme nous parlerons de l'élément fédéral qui est important ; et en dernier lieu nous parlerons d'une solution pratique que l'AJEFO propose.

L'AJEFO est une association de juristes qui siègent souvent comme groupe aviseur au ministère du procureur général, au barreau du Haut-Canada, au ministère de la Justice du Canada et d'autres organismes. Notre organisme travaille en partenariat avec de nombreux juristes anglophones. En fait, 20% de notre membricité est anglophone et c'est tout dans le but d'assurer l'accès à la justice dans les deux langues officielles des tribunaux de l'Ontario.

The issue of Bill 108, according to AJEFO and various legal and non-legal organizations in Ontario, to our view seriously threatens to diminish the linguistic rights that already exist in our province. It is our contention that Bill 108 as it now stands opens the door to potential linguistic battles, namely litigation. Municipalities will be stuck with these legal battles, and the purpose of the act is to reduce duplication and simplify administration. From that standpoint it will do the opposite.

0940

Au Canada et en Ontario on a pu maintenir, au fil des années, diverses politiques de bilinguisme. Les divers gouvernements ont cru bon de reconnaître l'importance égale du français de l'anglais par diverses lois. En Ontario, la Loi sur les infractions provinciales suit ce principe.

In Ontario the Provincial Offences Act, as it now stands, follows the important aspect of bilingualism in our province. For example, let's take just a speeding ticket. Under the Highway Traffic Act at the present time any Ontarian can receive a summons ticket in both French and English. If you need information on the infraction, you can call the ministry and it has a policy to answer inquiries in both French and English.

If a person contests, the notice he or she receives will be in both languages. The prosecutor will proceed in the official language that the citizen requests. Last but not least the judge, by law, has to have the capacity to hear the matter in the two official languages of the Ontario courts.

Our conclusion is that the act as it now stands provides full service in both French and English in designated areas in Ontario. Why? Because it is run by the provin-

cial government. Why? Because it is subject to the French Language Services Act and the Courts of Justice Act. Whether in Ontario, Windsor, Sault Ste Marie or Hawkesbury, bilingual proceedings are present.

My colleague M^e Nathalie Boutet, to my right, will elaborate where the problem lies when you transfer these powers to the municipalities as proposed in Bill 108.

M^{me} Nathalie Boutet : Je vais vous décrire quelques lois de l'Ontario qui s'appliquent également à ce débat. Il y a la Loi sur les services en français.

Cette loi décrit que la langue française jouit en Ontario du statut de langue officielle devant les tribunaux. On y précise que chacun a droit à l'emploi du français pour communiquer avec le bureau d'un organisme gouvernemental et pour en recevoir les services, et ce dans les régions désignées.

Par exemple, sont couverts par cette loi les services et les procédures du ministère du procureur général et des autres ministères et de leurs organismes, conseils et commissions, telles les communications au sujet des services soit au comptoir, au téléphone, en personne ou par l'entremise de systèmes tels les boîtes vocales.

Il y a également la Loi sur les tribunaux judiciaires. Cette loi s'applique aux instances introduites en vertu de la Loi sur les infractions provinciales. Elle déclare que les langues officielles des tribunaux de l'Ontario sont le français et l'anglais.

Une partie à une instance peut donc exiger que l'instance soit instruite de façon bilingue. Si une telle demande est faite par un citoyen, la couronne provinciale est obligée, selon le paragraphe 126(2.1) de cette loi, d'assigner à la cause un poursuivant ou une poursuivante qui parle et l'anglais et le français.

Je tiens à souligner que selon cette loi, il n'est pas suffisant d'offrir au citoyen un interprète. C'est la loi telle qu'elle existe aujourd'hui.

Tout cela semble satisfaisant. Cependant on se rend compte que les municipalités ne seront pas obligées de fournir les mêmes sortes de services dans les deux langues des tribunaux de la province. Je vous explique. L'article 1 de la Loi sur les services en français exclut spécifiquement les municipalités.

La Loi sur les services en français ne s'applique donc pas aux municipalités qui accepteraient de prendre en charge la dévolution de pouvoirs décrits au projet de loi 108.

De plus, l'article 169 de la Loi sur les infractions provinciales indiquerait ceci, si le projet 108 est accepté : que la municipalité qui agit aux termes d'une entente avec la province, ne le fait pas à titre de mandataire de la couronne de l'Ontario ni du procureur général.

Ceci est très grave lorsque l'on se rend compte que les droits acquis des citoyens seraient perdus. En effet, les aspects suivants présentement offerts dans les deux langues officielles ne le seront plus nécessairement :

Les billets émis ne seraient pas nécessairement bilingues ; le greffier du tribunal qui peut être un employé d'une municipalité ne devra pas être bilingue ; le tribunal peut siéger à l'endroit désigné par la municipalité, donc pas nécessairement dans des locaux où il y a affichage bilingue, et le poursuivant ne sera pas nécessairement bilingue.

Malgré les commentaires du gouvernement, cette constatation de pertes de droits acquis est aggravée par le fait que 90 municipalités se sont illégalement déclarées unilingue anglaise. Je dis «illégalement» en faisant référence à la cause célèbre que vous connaissez tous, la cause de Sault-Ste-Marie. On a reproduit, à l'onglet 3 du mémoire qu'on a présenté, un sommaire en français et la cause en anglais.

Brièvement, dans cette cause, l'honorable juge Loukidelis de la Cour générale de l'Ontario en 1994 a prononcé illégal le règlement de la municipalité se déclarant unilingue anglaise. La déclaration unilingue anglaise de Sault-Ste-Marie avait fait tellement de dommage qu'il nous semble qu'il ne faudrait pas créer encore une fois un tel débat linguistique.

Afin de vous illustrer d'autres exemples que le projet de loi 108 enfreint, je vais demander à M^e Landry de vous faire état de problèmes apportés par la dévolution aux municipalités des infractions fédérales.

Mr Landry: "Why is the federal government involved?" you may ask. The answer: the Contraventions Act of Canada. Canada has devolved some of its powers to the Ontario government. They basically provide a form of executing Canadian laws through the Provincial Offences Act. You probably have in your own ridings several of these infractions that are handled by the Provincial Offences Act, namely under the historic canals regulations, under the airport traffic regulations, under the federal government property traffic regulations, under the national parks etc, all regulations that are processed through the Provincial Offences Act.

If I were to have a speeding ticket in Georgian Bay Islands National Park or on any airport lands in Ontario, Ontario has as of today provided me with a full right to proceed in either of the two official languages of the Ontario courts and the two official languages of our country.

What if a municipality refuses to maintain these services on its territory which has a federal airport? It will not be in contravention of French Language Services Act, as we mentioned earlier, because municipalities have been specifically excluded; it will not be in contravention of the Courts of Justice Act; but it will be in contravention of the Canadian Charter of Rights and Freedoms.

As noted on page 1 in our submission, section 16(3) of the charter notes, "Nothing in this charter limits the authority of Parliament or a Legislature to advance the equality of status or use of English and French."

"Does this province truly want to leave municipalities stuck with charter challenges?" is a question AJEFO is asking. They will also have to conform with section 21 of the charter. If you look on page 3 of the memorandum we've prepared, "Paragraph 20(1) of the charter stipulates that any member of the public has the right to communicate with and to receive available services from an office of an institution of the Parliament or government of Canada in French or English."

There is also the question of the French-language act of Canada which will apply, because devolution has given it to the provinces and now we're giving it to the municipalities. These municipalities will have to provide services. If you look once again in my memorandum,

section 25 of the Official Languages Act: "...where services are provided or made available by another person or organization on its behalf" — so we're doing this on behalf of the federal government — then the Official Languages Act applies. It even goes further. Section 22 says there has to be an active offer, so the municipalities have to actively offer services in both official languages.

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In conclusion, by federal law municipalities will need to provide bilingual services. The Provincial Offences Act, as it now stands, grants the right to all Ontarians to be serviced in both French and English. AJEFO's position: Why not maintain bilingual services as they now stand? AJEFO and the Franco-Ontarian community are not asking for new rights. All we are asking for is to maintain the services at the level now offered in our province.

I will ask Nathalie to provide the solution we're offering to this matter.

Ms Boutet: AJEFO has received important support for its position not only from French-speaking citizens but also from English bilingual citizens. Among others we received support from the County and District Law Presidents' Association, which has as members a large number of lawyers everywhere in Ontario.

I also wish to remind you that the Commissioner of Official Languages shares our concerns. You may find his letter in French and in English at tab 5 of our factum.

Nous avons une solution très simple. Nous vous proposons une clause ; nous l'avons déjà écrite. Elle est toute prête à être insérée dans le projet de loi 108. Alors, même si les débats en Chambre vont très lentement ces temps-ci, le gouvernement ne devra pas passer plus de temps que nécessaire pour amender le projet de loi 108.

Cette clause se trouve à la page 8 de notre mémoire et elle se lit comment suit : «Toute délégation de responsabilité à une municipalité, faite dans le cadre de la présente loi, ne porte pas atteinte aux droits linguistiques existants, notamment les droits reconnus par la Charte canadienne des droits et libertés, la Loi sur les langues officielles, la Loi sur les services en français et la Loi sur les tribunaux judiciaires.»

Cette clause est inspirée d'autres clauses de maintien de droits, par exemple, telles que décrites dans la Loi de 1988 sur le conseil scolaire de langue française d'Ottawa-Carleton et dans la Charte canadienne des droits et libertés.

This concludes our presentation. We thank you very much for your attention and for allowing us the opportunity to share our concerns with you. We are available if you have any questions.

Mr Len Wood: Thank you for your presentation. I apologize that I'm not fully bilingual, but my wife and children and grandchildren are fully bilingual and both my daughters are teaching in the French language in southern Ontario. I've been representing the area of Hearst, Kapuskasing and Smooth Rock Falls, which has a heavy percentage of francophone population, over the last seven years.

I'm sure you heard during the five minutes I had earlier that I made a request of the parliamentary assistant that we see draft copies of the agreements with municipi-

palities to see if the memoranda include the guarantee of French language. He said the draft agreements were not ready yet. I'm sure there must be one draft or whatever so that we can get hold of it.

The parliamentary assistant had said that 63% of the municipalities that are covered under Bill 8 are going to agree to give French-language services. Do you feel that's enough, or should we have 100% of the municipalities?

Mr Landry: Certainly at the present time we're lacking 37% of the population that will no longer receive services they were entitled to and have been entitled to for some time now.

On the question of the memorandum, I think it's important that there be a clause in it stipulating that services will be offered in both French and English in all the areas designated under the French Language Services Act, but we think it's not enough. We think you absolutely need a specific clause, such as one we have drafted for this committee, for three reasons.

First of all the advantage of having that special clause is that the government will maintain the objective it's always stipulated it would maintain: that they keep French-language services intact as they are given at the present time.

The second advantage we see with a special clause stipulating that the services that are already there be continued is that it will help the government in not being criticized by municipalities that may eventually be prosecuted under the charter, and I don't think the government wants to open the door to charter challenges for municipalities.

Third but not least, there's a clause within the act itself that is clear, simple, effective and that can be incorporated fairly fast.

Ms Boutet: I just have one point to make sure that we all understand what we're talking about. It's not 63% of municipalities. I understand it was mentioned that the 50 municipalities — we've been told, without seeing any numbers, that covers where 63% of the French people live, but it's only 50 municipalities, when we know that there are 90 municipalities that have declared themselves unilingual English.

Mr Flaherty: Thank you, all three of you, for being here this morning, and not only for your presentation but also for the factum, which is well done. It'll give us an opportunity to review that after you've gone. You can leave that with us, and I appreciate that.

You're raising issues before us that are important and that need to be considered and reviewed. The experience with municipalities so far in Ontario with the transfer of the ticketing power that was given in the last four years or so seems to have resulted in responsible behaviour by our municipal partners in the province. I hope we can assume that municipalities will continue to exhibit that degree of responsible behaviour in their municipal endeavours.

The figure that you mentioned is absolutely right. The figure was 63% of the total French-speaking population located in these designated areas and over 50 of Ontario's 200 municipalities. Perhaps I could ask you this: Is there any reasonable expectation on your part that any of the

municipalities which voluntarily provide bilingual services would change their position as a result of this devolution of administrative power?

M. Lévesque : Nous avons l'expérience des dernières années, et la jurisprudence confirme que lorsque c'est un poursuivant municipal, il n'a pas les mêmes obligations linguistiques que lorsque c'est un poursuivant provincial.

Voici, lorsque le français a été déclaré au même titre que l'anglais, langue officielle des tribunaux de l'Ontario, la pratique du procureur général était tout le temps d'avoir un poursuivant bilingue. Il y a quelques années, les infractions municipales de stationnement ont été transférées aux municipalités. Il y a eu des causes qui ont confirmé, entre autres à Toronto et à Penetang, que lorsque le procureur était celui de la municipalité, il n'avait pas les mêmes obligations linguistiques que le poursuivant qui était nommé par la province.

C'est à ce moment-là que la province a modifié l'article 126 de la Loi sur les tribunaux judiciaires pour nous donner le paragraphe 2.1 et confirmer que lorsque le poursuivant était provincial, nommé par le procureur général, il avait l'obligation de parler la langue du poursuivi, tandis que lorsque c'est le contraire, lorsque c'est la municipalité, cette obligation-là n'y est pas.

Nous avons la transcription de deux causes que nous avions données à ce moment-là au sous-procureur général de l'Ontario, qui était M^e George Thomson, qui est maintenant le sous-procureur général du Canada, et qui a confirmé que c'était le cas que la municipalité n'a pas les mêmes obligations linguistiques que la province lorsqu'il s'agit de poursuivre le citoyen. On traite à ce moment-là le français comme n'importe quelle langue ou dialecte. On peut parler français, mais c'est traduit en cour et le mandat de l'avocat de la municipalité, même s'il est bilingue, comme dans la cause de Toronto — à ce moment-là il lui avait été donné de parler seulement en anglais. Alors, c'est une crainte légitime et c'est confirmé par la jurisprudence à cet effet.

M^{me} Castrilli : Merci bien d'être venus ce matin et d'avoir souligné ce que je crois et ce que mon parti croit être un problème fondamental avec ce projet de loi.

Nous avons dans cette province la Loi 8, comme vous savez. Il y a presque 11 ans maintenant que nous avons proclamé la Loi 8, qui reconnaît la contribution des Franco-Ontariens et donc l'importance de la langue française en Ontario. Je crois que c'est aussi très important non seulement pour l'Ontario mais pour le Canada, surtout en ce moment très critique dans notre existence en tant que pays.

Je dois dire, auparavant, que je suis absolument choquée, avec tout le respect que je dois à l'adjoint parlementaire du ministre, que le procureur général ne soit pas ici ce matin pour discuter de cette question, un projet de loi qui aura des conséquences très sérieuses pour cette province.

Avec ça, je trouve votre suggestion très admirable. Je voulais vous demander exactement ce que vous suggérez. Je suis d'accord avec vous —

The Chair: I hope it's a quick one, Ms Castrilli. It's my first day in the chair and we're already five minutes behind time.

M^{me} Castrilli : Je m'excuse. It certainly hasn't been because of me. Je suis d'accord avec vous que l'article 169 est un problème. Je veux vous demander, à ce propos, si vous êtes sûrs que les résolutions des municipalités qui ont décidé d'être bilingues sont des résolutions fixes, si on dit ça. À mon avis, ce sont des résolutions que les municipalités peuvent changer une autre fois et qu'il n'y a pas une loi qui réglemente les municipalités en ce moment. Je voulais vous demander si c'était aussi votre avis.

M. Landry : Oui, c'est notre avis. En plus, comme vous le savez, au niveau des municipalités il va y avoir des changements importants où on va avoir beaucoup d'amalgamation. Donc ça va vraiment diminuer le nombre de municipalités qui vont se déclarer bilingues. À ce moment-là, ça devient un problème important au niveau de la Loi sur les services en français.

M^{me} Castrilli : Donc il n'y a pas de garanties en ce moment.

M. le Président : Merci beaucoup pour votre présentation.

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair: The second presentation is from the Association of Municipalities of Ontario, Mr Roger Anderson.

Mr Roger Anderson: Members, ladies and gentlemen of the committee, my name is Roger Anderson. I'm vice-president of the Association of Municipalities of Ontario, regional councillor for the region of Durham and deputy mayor of the town of Ajax. With me today is Pat Vanini, senior policy adviser of AMO.

I'd like to thank you on behalf of the association for the opportunity to appear before you today to present issues related to Bill 108, the Provincial Offences Act. Unfortunately Terry Mundell, our president, whom I'm sure you've all seen a lot lately, is in this building but involved somewhere else with the transition teams this morning.

Ontario's municipalities are facing enormous changes and challenges as we approach the 21st century; 1998 will herald a fundamental transformation of municipal and provincial roles and responsibilities. For many years, municipalities have promoted measures that foster stability in municipal revenues and stability in municipal costs.

Municipalities are seeking reforms that are sustainable over the long term. We want reforms that help us to plan for economic self-reliance and to manage growth in our communities. We want reforms that help us achieve better government at less cost to the taxpayers.

Since 1992 annual provincial funding to municipalities has declined by \$1 billion; \$700 million of that was cut by the current government. In 1998, municipalities will lose another \$1 billion annually because of Who Does What. At the same time, the province's expectations that property tax dollars will fund provincial programs is growing.

That is one reason why the revenue side of the reform equation is critical to municipalities. There are a number

of excellent opportunities for the province to consider how municipal revenues can be delivered. A critical example is the fuel tax. Currently, the fuel tax is not tied to roads in any way. The tax is collected and spent by the province, not by municipalities. Yet, municipalities are increasingly expected to pay for the roads without having access to the fuel tax revenue or any other financial support from the province. The province no longer has an interest in the municipal roads program. It stands to reason that now is the time to review access to fuel tax revenues. We are not looking for a new tax, just an appropriate allocation of an existing one.

AMO is greatly encouraged by the Attorney General's decision to transfer provincial offences revenues to municipalities, along with the responsibility for administration and prosecution under the Provincial Offences Act.

Municipal governments are proven, capable managers in the delivery of services to their communities. With appropriate legislation and minimum regulation, municipalities can find innovative and cost-effective ways to achieve quality service. It is true about everything we do.

Municipalities deliver critical services to their communities. Currently, local service responsibilities range from police and fire services to recreation and child care. As the province continues to devolve responsibility for key services, municipalities take on an increasing role as Ontario's primary provider of public services.

The administration and prosecution of certain offences under the act is a good fit for municipal government. Municipalities are already involved in the enforcement of municipal bylaws and have a proven track record in communities where local administration and prosecution of part II offences has been previously transferred.

AMO has analysed the bill and as part of this presentation we'll focus on six areas.

The first one is local resources and local priorities. AMO believes that the transfer of responsibility for administration and prosecution, through partnership agreements between the province and municipalities, can maintain the integrity of the act and its processes.

The success of the transfer of responsibilities will rest with the implementation and the development of appropriate memoranda of understanding and the principles on which the transfer is based, including the transfer of access to related revenue.

As managers of broad and comprehensive service responsibilities and trustees of scarce public funds, municipal councils are constantly faced with tough expenditure decisions. Because they are accountable locally, balancing those decisions with local priorities is critical.

Revenues from provincial offences must be considered in that same context. Municipalities involved in delivering services under the Provincial Offences Act must have the authority to use related revenues not only to support the POA process but also to address local priorities. It is not appropriate for any limitations, either under the act or in memoranda of understanding, to restrict local decision-making on how best to use these new revenues.

Provincial offence revenues currently flowing to the province flow into the province's general revenue fund

for use to support the government's priorities. The same principle must be embodied in the transfer of the responsibility and revenue capacity to municipalities.

Therefore, AMO recommends that net municipal revenues from POA responsibilities should flow to the partnered municipality, or municipalities, to be used to finance service priorities as they determine. Memoranda of understanding must not restrict the use of net revenues.

The second concern is linking revenue access to service responsibilities. Linking revenue access to service responsibilities is a fair and reasonable principle for the devolution of responsibilities. The level of government responsible for service delivery must have access to any related revenue. That principle is the basis of AMO's support for Bill 108. The principle must also apply to the devolved, or future devolution of, proceedings under the Contraventions Act.

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If, for example, federal responsibilities such as the enforcement of parking laws at airports or minor criminal or narcotic offences devolve to the province, and possibly through to municipalities, the level of government with the service responsibility should be the one that receives the revenue.

AMO recommends that current and any future additional devolution of responsibilities under the Provincial Offences Act or the Contraventions Act must be accompanied by the related revenues and be negotiated through amendments to memoranda of understanding.

Goods and services tax implications: The act appears to make a municipal partner an independent contractor. In light of this, it is unclear whether the services as provided by municipalities under the agreement with the Attorney General are liable to goods and services tax. The act should clearly establish that the administration and prosecution services being delivered by municipalities on behalf of the province are not subject to goods and services tax.

Ontario is a vast and diverse province and circumstances vary greatly from one geographic region to another. In some parts of Ontario, the municipal option may not be appropriate given the geographic coverage and nature of governance.

For municipalities to make appropriate decisions about partnering, the Ministry of the Attorney General must share information on caseloads, fine revenue, the costs related to court facilities and court operations and other financial information, such as infrastructure, technology and human resource costs. Without this information, municipalities will be unable to make informed decisions, develop appropriate business plans or make the necessary budget adjustments. In most cases, 1997 municipal budgets will have been completed before the initial rollout of POA changes, limiting the ability of some municipalities to proceed in the short term. Municipalities and property taxpayers must not be asked to take on undue financial risk, and it is not appropriate or acceptable.

Therefore, AMO recommends that the municipalities must not be mandated to take on these new responsibilities, especially where the cost benefit is marginal or questionable.

Local choice also extends to how municipalities carry out their responsibilities. Municipalities should have the flexibility to engage the appropriate person or persons to perform the functions under the provincial-municipal agreement. These persons may or may not be municipal employees.

Rather than focusing on the "who," the provincial interest should focus on the ability of the person or persons to properly carry out the duties under appropriate supervision. This supervision should be performed by an employee of the municipality or, with the consent of the Attorney General, by some other person or agency.

Therefore, AMO recommends that municipalities should have the flexibility to engage the appropriate person or persons to perform the functions under the provincial-municipal agreement, including persons who are not municipal employees.

Timing: The time frame for carrying out the transfer, while targeted for completion in 1999, should remain as flexible as possible. There is a great deal of work to be done to make a seamless transition that meets the needs of all parties. The province must recognize that the 1997 municipal election may impact the speed at which municipal decisions and the development of partnership agreements proceed. While the target date of 1999 seems appropriate, timing of the transition must be flexible in order to ensure an effective and efficient transfer of responsibilities.

We know there are a number of important tools that must be developed and decisions that must be made in order to facilitate a smooth and effective transfer of responsibilities. A generic memorandum of understanding must be developed as the basis for local agreements. Performance standards and monitoring requirements need to be designed with careful consideration of the needs of both partners.

The same can be said for ongoing education and training. Municipal input and participation in the design of these processes and activities will ensure outcomes that satisfy both the province and the municipalities. A full knowledge of these issues will allow municipalities to fully understand the implications of participation in provincial offences administration and prosecution.

A generic memorandum of understanding for local agreements, performance standards and monitoring requirements should be developed in consultation with municipalities. Details of the generic MOU, performance standards and monitoring requirements should be provided, along with the call for proposals to ensure that decisions to participate are fully informed.

Municipalities see Bill 108 proposals as a major step in the right direction. The guiding principle that the level of government which manages the service and generates the revenue should have access to the revenue is a very sound one. Bill 108 advances a spirit of partnership between two levels of government. It promotes a genuine, meaningful disentangling of responsibilities.

Ontario's municipalities lead all orders of government in innovative, effective and cost-efficient service delivery. If municipalities are allowed to integrate the administration and management of services and related revenues under the Provincial Offences Act into streamlined local

service systems, everyone will benefit. Let's make sure that we get it right. By adopting the recommendations that we have put forward, this new and vital partnership between the Ministry of the Attorney General and Ontario's municipalities can be held up as an example of how governments can work together to provide better services at less cost. Other government ministries can learn a great deal through this process.

The Chair: Mr Anderson, thank you very much. We're still running behind schedule, but I am going to allow one question per caucus.

Mr Bart Maves (Niagara Falls): Yes, a quick question. Your recommendation 4.1, about municipalities having the flexibility to engage someone other than a municipal employee: It appears to me that's allowable in the bill, section 167, paragraph 4. It says with "the Attorney General's written consent," and I would assume that would mean when striking an agreement with the Attorney General, if the municipality wanted to do it that way, it would just be in the agreement.

Mr Anderson: As long as it's in the agreement and it's part of the agreement, that's fine.

Mr Maves: So it appears that it's allowable under the bill.

Mr Anderson: Under the bill.

Mr Mike Colle (Oakwood): Mr Anderson, the government is throwing around a figure of \$65 million that the municipalities of Ontario will benefit from the Provincial Offences Act changes. Crombie estimated \$30 million. What are your associations' estimates of what this means in terms of revenues?

Mr Anderson: In light of the downloading, any revenue is appreciated, whether it be \$30 million or \$65 million. When you consider the \$1 billion that has been taken away, \$65 million is somewhat negligible, in all seriousness, but it'll go a long way in helping municipalities with access to some more revenue.

I think it's an example of the type of revenue source that municipalities today are going to be looking for and are going to need, as time progresses. We aren't absolutely convinced on the \$65 million and we're not absolutely convinced on the \$30 million either, but it is revenue and if you're going to force the responsibility on us, then we want the revenue.

Mr Len Wood: Just briefly, one question; there might be two in the one. Are you aware of the cost that it's going to be to the municipalities to implement the new functions that are in Bill 108? Is there a fear, with this being transferred over to municipalities, that the municipalities, in order to try to generate extra revenue, are going to direct police officers into certain areas under some type of quota system in order to make sure the revenues increase because of the downloading that is happening by the province to the municipalities?

Mr Anderson: I'll answer the second part of the question. I am going to have Ms Vanini answer the first part of the question with regard to the cost of the administration.

Municipalities today, in all fairness, try as hard as they can, at least municipal politicians try as hard as they can, to direct police officers where to do radar. If we could get them on local streets today instead of everywhere

else, we'd be a lot happier because of the problems we have on local streets and roads under our jurisdiction.

The revenue source — our authority over the police force won't change, and busy as all get out as it is today, if we can get an officer out in Durham region to do any radar today we're happy. So if we could get him to do a bit more, of course, it would be a plus as long as the people paid their fines.

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Ms Pat Vanini: In terms of the cost, I guess municipalities are still waiting for some of that information from the Ministry of the Attorney General and have been relying on the figures related to net revenue which would be without those costs included.

Once we have that information, we'll have a better sense of what it means for each of the municipalities or the entities of municipalities working on the transfer. I think it's probably safe to say that because municipalities already have an administrative system around parking and other enforcement of bylaws, there probably are some further efficiencies that could be made in the transfer. So until we see those costs we can't quite estimate what further cost savings could be incurred in the transfer, but certainly the net revenue looks reasonable at this point.

The Chair: Ms Vanini and Mr Anderson, thank you very much for coming and making your comments to the committee this morning.

HALTON AREA MUNICIPALITIES

The Chair: We'll ask the third presenter this morning to address the committee, the Halton Area Municipalities, Mike Kovacevic, assistant city solicitor. Mr Kovacevic, good morning.

Mr Michael Kovacevic: Good morning, Mr Chairman. With me today is Jennifer Huctwith, the assistant town solicitor for Oakville. If I can't answer any of your questions, Jennifer will be able to assist me in that regard also.

Mr Kovacevic: As you indicated, I am here representing the five municipalities within the Halton area, namely the city of Burlington, the town of Oakville, the town of Milton, the town of Halton Hills and the region of Halton.

We'd like to thank you for the opportunity to make submissions on Bill 108. Our submissions result from the formation of something called the Halton area services review committee which is a committee that's been struck in Halton in order to look at the role the municipalities play in the provision of services and try to find the most efficient way of providing services within our area.

One such service identified to be provided to the residents by the municipalities is the Provincial Offences Act responsibilities that will be transferred pursuant to Bill 108. All the councils of the five municipalities within Halton and the two school boards have, by resolution, endorsed the formation of the Halton area services review committee and the services it is examining, in this case, namely the Provincial Offences Act. Our submissions are representative of the review team dealing with the Provincial Offences Act and we currently have a team working on effecting the transfer of the POA responsibil-

ities to our municipalities and the team is made up of representatives from all the participating municipalities in our area.

Our main reason today for submissions on Bill 108 is to support Bill 108. We see the opportunity to provide a service in an efficient manner that would generate revenues for our participating municipalities. At the present time, with the way Bill 108 is drafted, we do not find any provisions within it disagreeable. However, later on in my presentation I will indicate that we believe there are some omissions or concerns that we do have with Bill 108 that perhaps could be added to the bill.

One key element that we do see in the Bill is section 174. It is significant specifically to our area because section 174 allows the province to make agreements with a number of municipalities in an area, not just one. In our situation, this allows our municipalities to work together to effect a local plan for the provisions of Provincial Offences Act services. The current situation in our area is that we have three courts: one in Burlington, one in Oakville and one in Milton. We would like to retain our three courts for Provincial Offences Act services and perhaps share some common elements through inter-municipal agreements among ourselves.

The rationale for retaining the structure as we have it now is that we would like to see a seamless transfer of the service to our area. Further, the larger municipalities would like to retain this service in their areas because we feel it's quite onerous for citizens to travel a potentially large distance — they're inconvenienced — to go up to Milton to a main court for a traffic ticket.

Another reason we would like to retain our service as it is currently is that it would allow the larger municipalities to share their greater resources with the smaller municipalities in our area. We have two large municipalities and two smaller municipalities, and the two smaller municipalities within our team are already trying to work together to maybe have a centralized location for themselves.

We also see the opportunity, as I indicated before, to share common elements. In our case it could mean sharing a prosecutor or two prosecutors within the number of municipalities that would be served, and sharing the administration. One large municipality could provide administration services in one area for a number of the municipalities. This is all possible currently under the act through allowing intermunicipal agreements and having the province have agreements with a number of municipalities.

As I indicated before, we are currently working on a plan to become a pilot site for the transfer of the PAO responsibilities to our area and, as I indicated, the key is flexible legislation. Currently, Bill 108 provides that flexibility and we would not favour any amendments that would take away that flexibility to us.

As I indicated previously, we do have some concerns that have not been addressed in Bill 108. I believe you've been provided with my submission in written form. On page 2 of the submission, the concerns that we have are outlined there and I'll go through a few of them for you.

Currently in Bill 108 there's no protection afforded to municipalities if the information provided to the municipi-

palities by the province that forms the basis of the transfer of the responsibilities is incorrect through one reason or another. There is no provision in Bill 108 to transfer any existing infrastructure such as computers to participating municipalities.

Subsection 162(3) of the bill deals with standards that participating municipalities have to meet. However there is no provision in the bill for the province to recognize or be accountable for inherited deficiencies such as backlogs in the systems, and we would not want to be accountable for deficiencies that resulted from provincial administration prior to the municipalities taking over. There is no provision in Bill 108 for any training or funding for training of municipal staff who will be carrying out provincial responsibilities.

We feel there is also a need to amend Bill 108 such that municipalities that do undertake an agreement with the province have the ability to establish their own set fines for part I and part II offences. Currently, we have to get judicial approval for these set fines. However, in some cases that doesn't recognize local needs and problems that are specific to each community.

Accordingly, if we were given our own power to set our own fines, it would make things much easier. However, we do recognize that there is a provincial interest in this regard and there could be safeguards built into the act that would ensure that an appeal mechanism to provincial authority could result.

Further, the ability to set fines by ourselves without judicial approval would only extend to municipal bylaws and not provincial statutes.

There is no provision in Bill 108 that would ensure that the existing integrated court offices network computer system, known as ICON, would be maintained and financed by the province. There is also no provision in Bill 108 addressing the province's responsibilities once the ICON system becomes obsolete and outdated.

We have information, and it hasn't been confirmed, that the current system is very close to being obsolete and a new system is being designed. Whether it incorporates all of the current ICON system is also a concern. So this is a major concern to municipalities because it may be a major cost for us in the future.

We would suggest that Bill 108 be amended so that the existing ICON system is maintained and financed by the province and that any replacement be fully funded by the province. Such funding would include its installation, its maintenance and, if applicable, its creation. The continuation of ICON or a similar system is important because then it would ensure that the present-day intercourt communication would be maintained.

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There is no provision in Bill 108 that would allow municipalities to declare unpaid fines uncollectible. Municipalities should be allowed to declare unpaid fines uncollectible if collection enforcement proceedings do not result in the recovery of a fine. Further, municipalities should not have to pay any moneys with respect to particular fine revenues to the province pursuant to subsection 165(5) of the proposed legislation if the amount of the fine has been declared uncollectible by a municipality.

There's no provision in Bill 108 concerning accounts receivable existing on the date of the transfer of the Provincial Offences Act responsibilities to municipalities. Bill 108 should indicate that municipalities would not be responsible for any uncollectible moneys that existed prior to the transfer. Certain amounts may be uncollectible for a number of reasons beyond a municipality's control, including the expiration of a limitation period to commence civil collection proceedings.

Currently in Halton we've been informed by the administration that for all the courts in Halton — basically Burlington, Oakville and Milton — for provincial offences, there's \$6.5 million in accounts receivable that has not been collected by the province. These accounts receivable date back 10 years. We would not want to be responsible for the liability associated with that unless the debt is able to be collected in some form or another.

It is our request that perhaps the items I've outlined could be addressed in amendments to Bill 108.

I'd like to end our submission by indicating that we are enthusiastic about Bill 108. We're enthusiastic about taking over the responsibilities and are working towards a pilot project and that we're ready and willing to take on Bill 108 at this time. Thank you, Mr Chairman, and members of the committee.

Ms Castrilli: Thank you very much for being here this morning. I'd like to start by asking you if you've done any costing of some of the items that you mentioned here: the infrastructure, the training of staff, the maintenance of these computer programs that you say are obsolete and the replacement of them if you have to do that. Have you done any of that?

Mr Kovacevic: At the present time, we're undergoing that costing and we have looked at the cost of employees so far within Halton. When the province transfers the responsibility to the area municipalities, there is an indication that four to five surplus staff will result from the court administration and we might be willing to take on some of those people. We may not be able to pay the levels of the current salaries of the provincial employees, but the costing we've done to date — and I can base it on those figures — we haven't worked out an exact amount, but we have worked out an amount that we might predict we would get in revenue.

Currently, the three courts generate about 25,000 tickets between the four municipalities. That information comes from the court administration and from the Attorney General's office. If you average \$100 per ticket, which is a conservative average, that works out to \$2.5 million in gross revenue for our five participating municipalities.

We use a conservative rough cost of 50 cents on the dollar in order to carry out the administration of the service. That's not POA-related costs relating to any police services, that's just the court costs and prosecution costs etc. So we would see revenue of half of the \$2.5 million, and for Burlington, my municipality, because of our size, that would probably generate a net revenue to us of about \$500,000.

Ms Castrilli: Have you factored in the 50% that needs to be paid to the victim surcharge or the victim adjusted fund?

Mr Kovacevic: Yes.

Ms Castrilli: This includes all of that?

Mr Kovacevic: It's a very rough calculation at this time because at the present time all the information has not been released for the province and we're still in the process of gathering statistics. We had to make a very rough estimation at the beginning of our process to see if it would be worthwhile for us to undertake the Provincial Offences Act responsibilities, and according to our rough calculations we felt it was.

I believe the Attorney General's figures for costing were 35 cents on the dollar. We've just increased it, to be on a safer side, to 50 cents on the dollar at this point. But as I say, it's a very rough estimate.

The Chair: We have to move along.

Mr Len Wood: Thank you very much for your presentation. I'm interested in number 4. You're saying there's no provision in Bill 108 for funding for training of municipal staff.

In the area I represent, the largest community is about 10,000 in population and there are about 20 municipalities that are smaller than that. I know you're talking about Burlington in your presentation, but the cost of training and who's going to be doing the jobs and all that — you're saying Burlington could probably make \$500,000. There is a concern that in some of the other 860 municipalities there might not be the revenue. The cost of setting things up and training the employees and continuing to retrain the employees for that might be more than what revenue they get.

Mr Kovacevic: In our opinion, the act provides some flexibility in that regard, because if you're a small enough municipality you can enter into intermunicipal agreements with other municipalities. For instance, 15 small municipalities could partner up and have the service provided among themselves through an agreement so that their resources could be pooled together.

One example of that is, through discussions I've had with Brampton — and this is to be confirmed by Brampton, but these are just discussions — I believe they may be providing the service for Caledon, which is a much smaller municipality. In our instance, we have Milton and Halton Hills, which are both small municipalities. As I indicated in my presentation, they will be partnering up to provide the service for themselves, I believe within the Milton area, so they can rationalize their resources and not have two courts, one in Milton and one at Halton Hills, because they don't have the resources to undertake that. Then we, as larger municipalities, may provide them with some administrative support and some services also.

Mr Len Wood: A lot of the municipalities up until this point in time — I know that's going to change as we go along — over the last 20 years, abolished their municipal police forces and have been supplied OPP services. Those were some of the agreements that were reached by the Conservative government at that time. Now they're going to have to pay a certain amount for OPP policing.

I'm just wondering, and it's a question that a lot of people are going to be concerned about, are municipalities going to be able to have enough OPP officers to

enforce these infractions or are they going to use bylaw enforcement officers? Who's going to be giving out speeding tickets? How are these services going to be done? I know towns like Smooth Rock Falls and Hearst have had free police servicing. Are they now going to have to use their own municipal employees to do it? It's a great concern. There are a lot of things that are up in the air right now.

Mr Kovacevic: Our municipalities are within a two-tier structure and we have a regional police force. However, we are, through other means, encouraging an amendment to the Highway Traffic Act such that municipal bylaw enforcement officers can be appointed under the Highway Traffic Act to enforce moving violations such as speeding. Also, we'd be favourable to having photo-radar instituted in our municipalities to a certain degree because revenue generation would be quite substantial.

At this point, much of the enforcement on Highway Traffic Act offences is carried out by our regional police and also by the OPP in our areas because we have the 400 series highways running through them.

With respect to the smaller municipalities, I don't believe I have the ability to answer the questions with respect to the OPP. I have never dealt with those types of problems.

Mr R. Gary Stewart (Peterborough): Thank you for your presentation. I just want a comment or two about your concerns on this transfer of responsibilities. You're suggesting it should be done by amendment to the act. Under this act, you've got the memorandum of understanding between the province and the municipalities. Do you not feel that it might be better to have some of your concerns addressed in that memorandum of understanding, which will give the individual municipalities some flexibility in their agreements, rather than have it carved in stone within the act?

1040

Mr Kovacevic: Being a lawyer and having to litigate many contracts and agreements in the past, I would rather have something carved in stone than have it be open to interpretation under an agreement. Therefore, with respect to current concerns — and my client is my municipality — I would rather have my municipality's concerns taken care of through legislation and carved in stone rather than having them subject to interpretation by a judge who is not involved in the drafting of the agreement. To me, there's more protection afforded through legislation.

Mr Chudleigh: I was just pleased to see the general support of the bill. My question was very similar to Mr Stewart's in that Ontario is a very diverse province, as the member for Cochrane North would indicate, and an agreement that could be reached with a community in southern Ontario through a pilot project perhaps might give some indication of that diversity that would be required throughout Ontario. Many of the concerns that you've listed in your brief, do you think that some or most of those concerns could be addressed through an agreement reached with the Attorney General, which the act provides for?

Mr Kovacevic: As I indicated before, I'm more comfortable with the concerns being addressed through

legislation. The concerns I've outlined, in fairness, I would like to see applicable to all municipalities because I think they would protect all municipalities. However, they can be addressed in an agreement, but preferably, for the protection of municipalities, from my client's point of view, I would like to see them in legislation.

The Chair: Thank you very much, Mr Kovacevic, Ms Huctwith, for coming and making your comments available to the committee.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

The Chair: The fourth presentation is the regional municipality of Ottawa-Carleton, David White, legal counsel, and Eric Johnston, deputy regional solicitor. I should tell the committee that Mr Johnston and I went through two universities together some time ago, so I have some bias towards him. It's good to see you again.

Mr Eric Johnston: Thank you, Mr Chair. I was afraid you might disqualify yourself from the proceedings. I'm glad you made the disclosure at the outset and avoided the problem of my dealing with that issue.

My name is Eric Johnston. I am deputy regional solicitor for the regional municipality of Ottawa-Carleton. With me is Mr David White, a solicitor in our office, who is a little more knowledgeable about the subject at hand, and I will certainly defer to him with respect to detailed questions. We'll try to keep this brief.

The regional municipality of Ottawa-Carleton fully endorses Bill 108. I think the bill has a rather apt title: Streamlining of Administration of the Provincial Offences Act, 1997. The region of Ottawa-Carleton is pleased to be here this morning to be able to support this progressive legislation.

The support of our regional municipality is detailed in the booklet which has been distributed to you this morning. I will merely try to touch on some of the highlights contained therein.

The regional municipality of Ottawa-Carleton is one of the largest metropolitan areas in the province. It's known as being the nation's capital, but we also have our local issues. The region of Ottawa-Carleton has a full range of upper-tiered services, as one might expect from any regional municipality in Ontario.

It's interesting that regional police have been a recent addition to our area of jurisdiction. In fact, we were the last regional municipality to take on that function, notwithstanding that we were one of the first regions to come into existence. Ottawa-Carleton region, together with our regional police force, has been actively involved in building the foundation for Bill 108 through the provincial-municipal provincial offences task force.

In addition, the council of the region of Ottawa-Carleton in February directed staff to prepare a proposal and submit it to the Attorney General with a view to taking on the responsibilities contemplated in Bill 108. In our view, the Provincial Offences Act initiatives contained in this bill are in keeping with the overall scheme of this government with respect to accountability. What it does is place the function in one spot and provides the possibility for one-stop shopping.

In addition to that, we see greater efficiency. There is the opportunity to maintain the high existing level of service in this function, together with a reduction of costs. There is currently somewhat of a duplication and overlap between the Attorney General's recordkeeping and that of police forces. It's our view that can be reduced significantly.

From the local perspective and that of having a police force, we see a significant reduction of police court-related costs with respect to attendance in court on charges.

Ottawa-Carleton looks forward to the new partnership with the ministry contemplated in this legislation. Ottawa-Carleton is confident that it has the ability to carry out this serious responsibility that the transfer entails.

The regional municipality of Ottawa-Carleton has a large staff. It has the experience and it has the resources to undertake this function. Being a large metropolitan municipality, we have a significant in-house counsel: the legal department. That department has over the years acquired a certain knowledge and expertise in the prosecution area. We are ready, willing and able to take on additional staff that may be required with respect to the new functions.

I should also indicate, having come in shortly after 10 and having only heard the last part of one of the submissions to the committee, that Ottawa-Carleton has for many, many years had an official language policy. There is a bilingual policy for the corporation. The prosecutions I refer to that have been carried out by solicitors in our office are done in both official languages and we have that capability.

Ottawa-Carleton doesn't propose any specific amendments or changes to the bill. Mr White participated in the task force and I think many of the issues and concerns that may have come up this morning or been submitted on an earlier date were addressed to our satisfaction in that exercise.

I might just mention, and this is contained in the booklet, that there are some concerns. They're not significant ones, but I think they should be registered with the committee. We see Bill 108 as the first step in an overall reform process. It is a provincial-municipal partnership. I submit to you that it should be viewed as an evolving, dynamic relationship and, as situations change, both partners should be able to make adjustments accordingly. The consultation which has occurred to date we suggest should be ongoing and become an important element in any future discussions and issues.

The final point is that the access to the provincial facilities and resources, in our view, becomes a key or a critical element in the continued success of this initiative.

The regional municipality of Ottawa-Carleton believes that the interests of justice and of the public will be well served by the amendments contained in Bill 108 and is eager to enter into a new partnership with the provincial government. In conclusion, on behalf of Ottawa-Carleton regional municipality, we urge the government to move forward with this initiative on the basis that it is proposed.

The Chair: Thank you, Mr Johnston. Some of the members of the committee may have some questions.

Mr Len Wood: Yes, a couple of questions. As you mentioned earlier, you heard the submission made by the first presenters that they were concerned there's no section in Bill 108 that guarantees French-language services. I know you're saying you already have them in Ottawa-Carleton, but is it a concern of yours that there should be something in Bill 108 that would guarantee the services to the municipalities? I know Ottawa-Carleton is a large area, but Bill 108 also covers a large number of other communities that might not be able to continue on the same basis as what the provincial government is doing right now. That's one of the questions I would be concerned about.

The estimated cost of startup is concerned with revenue that's going to be coming in, because we're all aware that since January there have been a lot of announcements that the municipalities are going to have to pick up more of the costs for welfare, for long-term care, for everything. The costs of starting this up and the revenues, are they going to be enough to compensate for the dumping that is taking place?

1050

Mr Johnston: With respect to the first question, as you indicated, it's not a particular concern in our jurisdiction. As to whether it is desirable policy to put it in this legislation, I guess the alternative is to have it contained as a directive. Perhaps it could be an issue that is addressed in the memorandums of understanding. Whether it's necessary to include it in the legislation, I guess my initial reaction to that is that there are other ways of achieving that goal without enshrining it in the legislation.

The Chair: Mr Maves.

Mr Johnston: The second aspect: I would defer to Mr White with respect to the startup costs.

The Chair: I'm sorry. I'm at fault, Mr Maves. I interrupted and I shouldn't have.

Mr Len Wood: There's a second answer coming here.

Mr David White: As far as the startup costs go, again we have done some preliminary work estimating things like technology transfer, increased staffing, and we are confident that the revenue that is proposed to be produced by the administration and prosecution function will more than cover the startup costs involved.

The Chair: Mr Maves, now you can jump in.

Mr Maves: You mentioned on page 6 that you've a demonstrated ability to conduct prosecutions in either French or English. I'm just wondering about your region's commitment to continuing to provide that level of service.

Mr Johnston: As I indicated, there is an official policy of the corporation passed by council. There is no question that commitment will continue in the future.

Mr Maves: How long have you conducted prosecutions in either official language?

Mr Johnston: Bear in mind that the regional municipality of Ottawa-Carleton, being an upper tier, did not from day one involve itself in prosecutions. So it's been a relatively recent involvement and it's been connected with some of the recent assumptions of jurisdiction. I would say it's in the area of six or seven years. The recent assumptions of jurisdiction relate to solid waste.

Also there is an arrangement we've entered into, again with the province, for prosecuting under their tobacco control legislation. Both of those examples are done in both languages, and I might indicate predominantly in French.

Ms Castrilli: I just have a couple of quick questions. The first is that you indicate on page 7 of your brief that you're going to be required to hire new staff to have technological changes and you want to assure that there is a stable source of revenue from the collected fines, which is a responsible attitude, it seems to me, for municipalities to want to take.

Doesn't it bother you that in the context of this bill the Attorney General has unilateral power to get out of an agreement if he decides its standards aren't being complied with or for other reasons and there's no power on the part of the municipalities to say, "Look, this deal isn't working out and we want to look at it again or, in the worst-case scenario, get out of it"?

Mr Johnston: Not particularly. We view this as a partnership arrangement. We will negotiate the memorandum. If the ultimate unilateral decision remains with the province of Ontario, that's fine.

Ms Castrilli: The second question I have goes back to the first presentation that was made by the Association des juristes d'expression française de l'Ontario. Their simple recommendation was to add this clause to the bill and, given the very large number of Franco-Ontarians in your area, I wonder if you might specifically comment on it. They're asking for one simple amendment that says, "Any delegation of power to a municipality under this act shall not be construed so as to abrogate or derogate from existing language rights." They set out the charter and the existing legislation. They're not asking for anything in addition to that. Would that trouble you, as a simple recommendation?

Mr Johnston: No, that would be quite acceptable.

The Chair: Thank you very much, Mr Johnston and Mr White. It was a pleasure hearing you, and it was good seeing you again, Mr Johnston.

TOWN OF ORANGEVILLE

The Chair: The fifth delegation before us this morning is the town of Orangeville, which is the largest town in the beautiful riding of Dufferin-Peel — I keep having biases this morning — Mr Vern Douglas, the director of building and bylaw enforcement, and Linda Dean, the town clerk. Good morning.

Ms Linda Dean: Chair Tilson, members, ladies and gentlemen of the committee, we thank you for the opportunity to appear before you today to present our views with respect to Bill 108. As you know, we're representing the views of the town of Orangeville. Following our presentation, Mr Douglas will answer any questions.

By way of introduction, the town of Orangeville is situated in the southern part of Dufferin county, just 80 kilometres northwest of Toronto, at the intersection of Highways 9, 10, 24 and 136. With a population of approximately 22,000, Orangeville is a fast-growing, fully urban municipality. It is by far the largest urban centre in the county, accounting for approximately one half its

population. We are a full-service municipality, providing water and sewer services, waste management, day care, transit, fire and police.

Orangeville runs efficiently and effectively and has been able to serve its citizens well with no tax increase in the last seven years. We have a full-scale police service of approximately 30 officers and deliver local bylaw enforcement through the building and bylaw enforcement department.

The effect of Bill 108 would provide an opportunity for the province and municipalities to reduce overlap and duplication, as both levels of government have staff providing similar job-related duties. It will also be a new revenue source for municipalities even after the costs have been considered.

There is no doubt that this downloading of responsibility would be a boon to municipalities, which are constantly struggling with the problem of maintaining services to their citizens with ever-shrinking resources. The new revenue source will give municipalities much-needed funds which can be spent on further improving local services and maintaining others that could otherwise be subject to budget restrictions even after this increase in revenue.

We applaud this government's initiative in introducing Bill 108. This bill follows through on the previous government's Bills 25 and 47, which also proposed elements of a transfer of responsibilities under the Provincial Offences Act. It encourages municipal self-sufficiency, which, while benefiting the municipality, also provides cost savings and process efficiencies to the province.

We are very much in favour of this proposed transfer of responsibilities. It is another tool for municipalities to hold the line on property taxes. It is therefore important that the revenues be returned to the source municipality to use as the need dictates and that the expenditure of such revenues not be restricted in any way through the agreement with the ministry.

One of the specific areas of Bill 108 we wish to address is clause 165(5)(c), which refers to municipalities being responsible for the "costs the Attorney General incurs for adjudication and prosecution, for monitoring the performance of the agreement" and for enforcement.

There's no indication of the dollar value of the costs referred to in this section. Municipalities would need this information to decide whether they want to submit a proposal. Although these costs could vary, some indication of a range or a percentage of revenue would be helpful. We would like to see some percentage or formula incorporated into the act.

Another section we're pleased with is paragraph 167(1)2, which provides that the court location "need not be in premises operated by the province of Ontario for court purposes."

This offers flexibility to the municipality by not requiring that the established court facilities be used. Alternate facilities which may be available to municipalities could be a cost savings in some circumstances. This section gives municipalities the option of using the existing courthouse or establishing its own POA court in another location.

1100

Paragraph 167(1)4 states that "the municipality shall not without the Attorney General's written consent...in advance, assign to a person other than its own employee a function that the agreement gives to the municipality."

This clause seems to prevent municipalities from contracting out certain court services, and we think municipalities should be allowed the opportunity to contract out, for example, prosecution services if they could realize a cost savings or process efficiency in so doing.

The council of the town of Orangeville has expressed its desire to participate in the proposed transfer of responsibility from the province at its meeting held on March 24. The terms of reference for the transfer of responsibility have not been included in Bill 108. It is our understanding that these criteria will not be released until after the bill is passed. As a result, there is no forum for municipal input on the matter of the terms of reference.

The town of Orangeville is concerned that the terms of reference for a request for proposal could be designed to favour large municipalities or possibly an upper-tier municipality exclusively. The criteria should not restrict municipalities from taking on this enhanced responsibility based solely on size or on the basis that it is not an upper-tier municipality. Both lower-tier municipalities and those of smaller size can be fully capable of taking on the court administration and prosecuting functions proposed in Bill 108. Most lower-tier municipalities have experience in the prosecution of parking infractions and municipal bylaw violations, experience which upper-tier municipalities generally do not have.

Other information we think should be included with the request for proposal is that which relates to the costs municipalities may incur in taking over this function. For example, what would be the cost to rent back the courthouse facilities? What are the pay ranges of existing staff? How many are currently employed at each location? What are their hours of work? What would be the cost to lease or buy the computer hardware or software required to take on this responsibility? All of this information is necessary for municipalities to be able to put forward a meaningful and viable proposal to the ministry.

Most of the prosecutable offences in Dufferin county occur in Orangeville. Town staff in bylaw enforcement and in the police service have the most in-depth knowledge of the bylaws, including background and intent, and this is more likely to result in successful prosecutions. It is noteworthy that the town has also initiated discussions with neighbouring rural townships with respect to our provision of this service to them, and the discussions are ongoing right now.

Orangeville's situation in this regard is not unique. It is probably repeated over and over again in many urban municipalities that are situated within a large, rural county. The province will need to consider the local governance issues related to current levels of service delivery and which level of government is currently providing services as they relate to Bill 108.

In closing, the town of Orangeville believes that it can successfully take on the new responsibilities proposed in Bill 108 without sacrificing the current level of service and without jeopardizing the integrity of the system.

What we are asking for are terms of reference which would be inclusive of all municipalities, whatever size or tier, which would allow for selection to be made on the merits of a particular municipality and the quality of its submission to the ministry, and a commitment that the revenues will be returned to the source municipality to use without restrictions and also the ability to contract out court services, where appropriate, if a cost savings or process efficiency can be realized.

We want to thank you for this opportunity to express our views to the standing committee. We'd be happy to answer any questions.

The Chair: Thank you, Ms Dean. Any questions from the government caucus?

Mrs Lillian Ross (Hamilton West): Previous presenters have had differing opinions on whether there should be an MOU or whether it should be enshrined in legislation. What's your feeling on that? Do you think you can address all the issues through a memorandum of understanding or do you think it needs to be enshrined in legislation?

Mr Vern Douglas: I think each county or region is unique. I don't have a problem with the memorandums being open to interpretation and working with the province on bringing it forward.

Mrs Ross: You've stated that Dufferin county has had some discussions with respect to this. Are you optimistic that agreements can be reached for an efficient service?

Mr Douglas: With the surrounding municipalities? We're still working on it. The clerks and treasurers of each of those municipalities have met twice. There are another two meetings coming up. They are leaving their options open at this time, but they're definitely interested.

Mr Len Wood: We have now heard a presentation from a smaller community. We've heard from Ottawa-Carleton, we've heard from Burlington and the large, urban, populated areas. I know Orangeville a little bit. I have travelled through there quite often going to Listowel and Mitchell and Stratford, where my family used to live.

You're saying you're looking for the terms of reference as to how it would affect all the municipalities. We heard in an earlier presentation that AMO has been involved in the negotiations. What is your involvement with AMO?

Ms Dean: We are a member municipality of AMO. I have had the opportunity to read AMO's submission, and we are in agreement with it. We support their recommendations.

Mr Len Wood: In northern Ontario next week, on May 8 and 9, all the municipalities are meeting, involved in the concerns of how this bill is going to affect them and how all the mega-downloading is going to affect them and their tax base. Has your municipality been meeting with other municipalities on the same concerns?

Mr Douglas: Yes, we have, and that is a concern. I think all municipalities share the same interest, that any surplus revenues that may be generated should go back to the source municipality, whether the OPP would be their police service or not. If a ticketable offence was issued in their municipality and they were paying for the police service, they would want those surplus revenues to come back to that municipality and not stay with an upper-tier government.

Mr Len Wood: Some of the concern is that a lot of the 100-series bills are involved in mega-dumping. Bill 108 is allowing the municipalities to retain some resources.

Another concern is that the responsibilities for police services, the budgets and so on, are going to be given to the municipalities. Some of the police officers are saying they fear they're going to be given quotas; that the municipality, the mayors or reeves, is going to say, "We want you to target that particular area because we need extra revenue." The same thing could apply to municipal employees. Is there a fear that some areas of the municipality might be left out because of a quota system that the mayor and town council might impose on their employees and the police to increase revenue?

Mr Douglas: We haven't heard any of those fears. We have a good rapport with our own police department. They're very proactive in the areas of the Highway Traffic Act that they need to be; I believe the OPP in our county are as well. I don't think there will be pressure on the police services to increase, I guess, their tickets to allow for more revenues.

Mr Len Wood: Our NDP caucus met yesterday with a lobby group made up of police officers, and this was one of their concerns not only with this bill but with some of the other changes that are taking place, that there's going to be a big demand for municipalities to increase revenues. One of them was saying, "Len, when you get stopped from now on, you might not only pay a speeding ticket, but you might be given four or five other charges, which will give revenue of not only \$100 for no seatbelt, but you could get four or five charges just to increase the amount of revenue that's coming."

The Chair: Thank you very much for coming, Mr Douglas and Ms Dean. Give my regards to Orangeville.

1110

YORK AREA MUNICIPALITIES

The Chair: Our final delegation this morning is the York area municipalities. I have four names and two people coming. Don Sinclair, solicitor corporate, and Richard Duncan, I hope I have your names correct.

Mr Don Sinclair: Yes.

The Chair: If you would identify yourself, welcome to the committee.

Mr Sinclair: Thank you, Mr Chairman, members of the committee. My name is Don Sinclair, solicitor with the city of Vaughan, and with me is Mr Richard Duncan, a prosecutor with the town of Richmond Hill in the region of York.

The region of York, as you will know, lies immediately north of Toronto. It consists of nine municipalities, rural and urban, the rural municipalities being West Gwillimbury, Georgina, King, Whitchurch-Stouffville; and the more urbanized municipalities being Vaughan, Richmond Hill, Markham, Aurora and Newmarket. The population would be in the range of 500,000.

Richard and I don't speak formally for the councils in York region. We're here as a result of meetings staff in that region have been having, staff of the various municipalities and the region itself.

Vaughan council, which I report to and work for, did give authority for its staff to pursue this POA transfer. We initially thought that it would be specifically to a municipality. We've learned since that it's much more complicated than that, at least in a situation like York region.

Those solicitors who are directly employed by municipalities had a meeting recently. I've attached notes from that meeting to this presentation. If you look at pages 3 and 4, I'll go through those quickly. These recommendations are being made by the solicitors in York region to their chief administrative officers, who are meeting tomorrow to discuss this project:

That there be a consolidated proposal from all the municipalities in York region to achieve transfer of the Provincial Offences Act administration in the region — that is, that not one municipality do it or the region per se but all municipalities consolidate into one proposal.

The options to locate the administration: It could be operated within the administration of the region, which is now in Newmarket, or a separate board or authority could be incorporated with membership from each participating municipality. So it's not occurring specifically within a municipal administration, but there would be a neutral, independent third party established to carry on.

That there may be room down the road for requests for proposals from the private sector for such administration.

That in York region the transfer occur at least in two phases:

Phase 1: Achieving an immediate and seamless transfer, assuming the existing court facilities in Newmarket. The reason this is an issue in York is that the court facilities being in Newmarket are north of where most of the people are. They're a bit out of the way, but they're there.

Looking at phase 2: After completion of the initial transfer, that the body that would be administering the POA in York region prepare implementation plans to provide services in the urbanized south of the region, where the people are, where the infractions are occurring, essentially. This could include new court locations, satellite facilities, improved first attendance facilities and so on.

The solicitors are also recommending to their CAOs that there be an implementation task force or committee established. I don't think I need to go into the details on that.

Back to page 1 of the presentation, in terms of options for the administration, which is really what we're going to address this morning, be it regional, be it within a local municipality or be it through a board or authority, I think you've heard some other solicitors indicate, especially the solicitor from Halton, that the act right now permits agreements among municipalities and an agreement with the Attorney General with a group of municipalities.

There are attractions to each option. When we thought of this idea of a board or authority undertaking this administration, we looked at the act to see if it would be permitted or precluded. It's not specifically permitted, which means it may be, in terms of municipal law, precluded. You want things to be as clear as possible. We're

not saying that we want to do a board or authority in York, but we would like at least to be open to the possibility of creating one.

We are suggesting that there be an amendment to the bill to permit such a board or authority to be incorporated by municipalities if, when they get together, they decide that's the best way to operate this service in that region. The wording we've suggested here is: "The municipality may assign to any person permitted in the agreement a function that the agreement gives to the municipality and for purposes of such assignment may incorporate a body corporate."

I think we would, as solicitors, be making that recommendation anyway, but it's especially important in the context of the amendments coming along to the Municipal Act. The draft that we have seen would state at section 12:

"Unless a municipality is specifically authorized to do so by this or any other act, it does not have power to,

"(a) incorporate a corporation...."

If the Municipal Act goes through with that clause in it and the POA amendment did not say that there was a specific authority to incorporate a corporation, it couldn't be done without a change to the legislation, so let's do it now. That's what we're suggesting.

There are also some other minor amendments to the bill that we would suggest. The bill is suggesting an amendment to the Municipal Act, section 206.1, and we would suggest it either not be included in the bill in so far as it doesn't necessarily add anything to the bill or, if it is added, that it not, again, preclude the activities being assigned to a person who is not specifically an employee of the municipality.

That's the submission I want to make. Mr Duncan, did you have anything to add to that?

Mr Richard Duncan: The only concern I see at this particular stage is the reference in Bill 108 with regard to the Contraventions Act. In a recent prosecutors' association conference that was held on April 25, it became known to us that the federal government has changed its prescribed fines, which I understand are tantamount to our set fines. Those were taken down from areas of \$300 to \$75. It also was apparent that at this particular time there are few federal departments involved in the Contraventions Act, and it seems, as far as my analysis is concerned, that many of the federal departments at this particular time are standing by and seeing how those that are involved fare with the agreements between the provinces and, consequently, the agreements between the province and the municipalities.

The Contraventions Act is an extremely complicated piece of legislation. It also is not very much in terms of revenue-generating. It could end up costing municipalities far more than it's worth to enforce, and that's a particular problem that we don't want to get into.

In addition to that, the downgrading of their fines has caused some concerns among many of the people whom I've had discussions with, in addition to the complication of this type of act for enforcement purposes and the detailed process that would have to be gone through in order to change such an act or to bring amendments to such an act.

Right now with the Contraventions Act, under Bill 108 the revenues would go back to the province. There is no sharing of that or doesn't seem to be any sharing of that revenue with the municipality. It seems the province gets part of it and the federal government gets part of it. Keep in mind that many departments, if they see that things go well with prosecutions at the municipal level under the Contraventions Act, could start loading a lot of their legislation into this area, and that then would become an extreme cost for the municipalities.

The Chair: Do you have further comments?

Mr Sinclair: No. Thank you, Mr Chair.

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Mr Colle: Thank you, Mr Sinclair and Mr Duncan. The real conundrum here is, if you devolve the POA offences down to the local municipalities, how can this be done if you've got all the different municipalities in York region? You're going to have varying standards, because the municipalities will have the authority, it seems, to charge different amounts, treat the administration differently. For instance, they're going to have a different approach in the city of Vaughan than you might in Newmarket or in Richmond Hill, and then everyone is going to have their own independence, and then the different bylaw enforcement officers: Are you going to have your own Green Hornets? Then you have red, blue, green, orange hornets all over the place.

I think you make a very good point: You're going to have to have some kind of board that's going to have to administer the POA. Whether it be regional or whether it be some federation, I can't see it functioning unless that's allowable. Does that seem to be allowable under the act right now? That's what I wonder about.

Mr Sinclair: Well, our concern would be that it's not and that the act be amended to permit it. It may not end up being the final solution in York region, but unless it's there and permissible, it can't happen.

Mr Colle: The contradiction too is difficult, because local municipalities like Richmond Hill or Vaughan have particular needs in terms of the provincial offences and how they see their specific local needs, which may be very different in Newmarket than they are in Woodbridge, for instance.

As you said, there are still rural areas involved in York region, so you need that particularity in terms of treatment of individuals and offering of services. You need that, yet you need the coordination, because some of the municipalities blend into each other. When you go up Yonge Street, it's hard to tell where one ends and one begins.

Perhaps what you're really asking for is for a definition or clarification of what kind of arrangement; what kind of, as you're saying, POA services board or something like that can administer this.

Mr Sinclair: We're not asking that the bill put in the specifics of whatever that arrangement would be, just that it permit it. Then it would be worked out with the municipalities, with the region and with the Ministry of the Attorney General. It won't proceed without the consent of the province or the ministry, but it would have to be negotiated, settled, signed and then implemented.

Mr Len Wood: On your final page there, page 2, in section 4 you're saying that the way you see it is that there would be a transfer of solicitors, bylaw enforcement officers, police and court personnel from the province to the municipality in different phases over the next two years.

Mr Sinclair: No. That list on the last page is who would be on the task force or committee to undertake implementation of the POA transfer in York region.

Mr Len Wood: Okay. There was a concern; one of the previous presenters was saying that they would like to see a change made so that contracting out of these services could be done. What's your view on the municipalities doing it with their own employees or contracting out or outsourcing the services?

Mr Sinclair: There are different modes of contracting out now, and I'm not sure the bill would prevent hiring, say, an outside prosecutor to take on a specific case or even files. I know now that when we were looking at the existing situation in York region, the clerks and reporters of the court are on contract. They're not provincial employees up there. So there is that happening to some extent now.

When the solicitors themselves were meeting to discuss this, they themselves were thinking it might be appropriate to put out a request for proposals down the road once the region and the municipalities in the region know the parameters, the extent, the costs, the involvement and the obligations that come with this kind of a transfer. I think it's something that's not to be not considered, but I can't give you more specifics than that now.

Mrs Julia Munro (Durham-York): Certainly as an MPP for part of York region I appreciate your being here and making these comments. I just wondered if you could explain for us what happens now in terms of the part 1 jurisdiction. Is that being done by individual municipalities or by York region?

Mr Sinclair: Richard, you've got experience with that.

Mr Duncan: In York region each individual municipality will, through its bylaw enforcement department, issue part I tickets for certain bylaw offences that we have prescribed fines for, that we have set fines for, and short-form wording.

We have an option of either swearing a part III information or issuing a part I ticket. Those are prosecuted by the municipality. For three of the municipalities in York region, they have full-time prosecutors who handle those. In many of the other municipalities an officer will prosecute a ticket done by his fellow officer and then it would turn around in a trial.

Those are handled by the municipality at this particular time. With Bill 108, of course, we're looking at a transfer of other responsibilities that the municipalities have never had. Certainly, the prosecutors now involved in municipal prosecutions don't have that experience to prosecute, say, Highway Traffic Act or some of the other acts that will come down. So of course we're looking at certain training costs. We don't know whether that's going to be borne by the municipality or the province. There's an indication the province is going to assist in that; certainly it would have to assist in setting the standards and so on.

Mrs Munro: Do you see this as an opportunity, then, to fold in and centralize that whole process?

Mr Duncan: Certainly. Yes.

The Chair: Thank you very much, Mr Sinclair and Mr Duncan, for your comments. They're very helpful to the committee.

That concludes the delegations for this morning. I have a couple of technical or housekeeping matters for the committee to consider before we adjourn until this afternoon.

With respect to May 8, I am suggesting that the clause-by-clause for Bill 108, this bill, be conducted on that day, and the amendment deadline be for the previous day, Wednesday, May 7, at 4 pm. For the clause-by-clause for Bill 109, which is the public libraries bill, we're suggesting that the clause-by-clause be conducted on May 15; that the amendment deadline and the written submission deadline be for the previous day, May 14 at 4 pm.

If there are no objections, that is what will be proposed for the scheduling for the next couple of weeks.

Mr Colle: I am just wondering — I'm new in terms of this committee —

The Chair: Welcome to the club.

Mr Colle: Is it possible that I could get that in writing to pass on to my House leader, or whoever it is, and give it back? I don't want to make any mistakes.

The Chair: Absolutely, we'll be pleased to do that.

Mr Stewart: Chair, I'm wondering if there might be an agreement to have the clause-by-clause ready by noonhour instead of 4 o'clock in the afternoon, that being late in the day.

Mr Colle: I don't have a problem with that, if I can just pass it through to our House leader.

The Chair: Mr Wood, you're okay with that?

Mr Len Wood: Yes, but I can't guarantee it because I won't be here, but I will make an effort.

The Chair: That's all we can ask, Mr Wood. Okay, if that is it for this morning, that concludes our deliberations this morning, and perhaps we'll recess until 3:30 this afternoon. Thank you very much.

The committee recessed from 1130 to 1545.

TOWN OF CALEDON

The Chair: Ladies and gentlemen, I think we can start. I'm sorry to have kept some of the delegations waiting.

The first delegation this afternoon is from the town of Caledon, Nadia Koltun, who is town counsel. Ms Koltun, welcome to Toronto.

Ms Nadia Koltun: Thank you very much, Mr Chairman, members of the committee. As I'm sure you're aware, the town of Caledon has made its position known by way of a written presentation, which I gather has been distributed to all of you. My comments will be brief. I don't intend to go through the written comments line by line.

The town of Caledon supports this legislation and supports it wholeheartedly. The only change we are asking that the committee and the Legislature consider is a change that allows the Attorney General to enter into an agreement, for the purposes of Bill 108, with a municipality or a group of municipalities. Currently the legislation provides that the agreement between the Attorney General be with a municipality. As the town of Caledon is one of the many municipalities that have appeared

before you and said we're trying to structure something among a group of municipalities, we are joining with them in the submission that says that somehow a group of municipalities be able to enter into this agreement.

The reason the town of Caledon supports this legislation is because it will be able to use this legislation to achieve the administration of justice at a local level, which is something the town of Caledon desires to occur. Bill 108 will also permit the municipalities that want to participate in this bill to work cooperatively, to set up new arrangements between them across geographic boundaries to produce a comprehensive, centralized delivery of justice on a local level.

Bill 108 allows the municipalities to achieve significant savings — for our purposes anyway, in the town of Caledon — in terms of policing. Last, Bill 108 will allow the municipalities to continue a process which has already been started under previous amendments to the Provincial Offences Act through Bill 25 and Bill 47. Bill 25 had the effect of transferring down to local municipalities that chose to opt in the complete enforcement and collection of parking tickets. Bill 47 allowed the processing of part I charges under the Provincial Offences Act through a system which is referred to as first attendance. We believe Bill 108 continues the trend of allowing municipalities to be partners with the province in the administration of justice in the province.

Those are the principal reasons the town of Caledon wishes to support this legislation. Briefly, I will just go through the rest of the presentation adding detail to these principal reasons.

In terms of the town of Caledon, for those of you who may not be aware of where we are in the province of Ontario — I know Mr Tilson is intimately familiar with our —

The Chair: It's a beautiful area.

Ms Koltun: Yes, one of the best in the province, we feel. We are the northern half of Peel region. When you move north from the lake, there's Mississauga and then there's Brampton and then there's Caledon. Geographically, if you add the area of Mississauga and Brampton together and double it, we are the town of Caledon; that is our geographic size. We are much overshadowed in the press by Mississauga, but that doesn't mean we don't have much happening in the town of Caledon, as Mr Tilson will confirm.

One of the things that the town of Caledon is working on presently, which will come to fruition about September 1, is the transfer of all its criminal and POA prosecutions from the courthouses in Brampton and Mississauga to the courthouse in Orangeville. When we say that the town of Caledon believes in the local delivery of justice, that is exactly what we mean, and this transfer will implement that. By September 1, approximately 13,000 Criminal Code, narcotics, young offenders and Provincial Offences Act prosecutions will move from the courthouses in Brampton to the Dufferin county courthouse in Orangeville.

When Bill 108 becomes law, which we are confident it will, there will already be in the courthouse in Orangeville 10,000 Provincial Offences Act charges under part I of the POA which will have originated out of Caledon.

Orangeville is far closer to the town of Caledon than the courthouses in Brampton or Mississauga. The material I provided to you indicated that it takes us about 20 minutes to drive to the courthouse in Orangeville from our detachment centres, as opposed to about 45 minutes to the courthouses in Brampton and longer to Mississauga.

We have arranged for the transfer of these charges without any amendments to the Provincial Offences Act, just working with the legislation as it exists today. It will be in place. It is something that Caledon has undertaken because it believes in the principles that underlie Bill 108 and because we believe in the speedy administration of justice at a local area.

When Bill 108 comes into effect, we will already be in the Dufferin county courthouse. The Attorney General's office will be doing the administration of these 10,000 POA charges. The town of Caledon would like to relieve the Attorney General's office of having to look after the 10,000 POA charges. We will have established through this transfer that we have the capability in Caledon of doing it. May I say on behalf of the municipalities generally that municipalities are capable of taking up the responsibilities for the administration of justice in the province.

We could not have accomplished our objective of transferring the charges from the Brampton courthouses up to the Orangeville courthouse without the cooperation of the other municipalities involved: the town of Orangeville and the county of Dufferin. Bill 108 allows us to extend that area of cooperation.

The town of Caledon wishes to work with the county of Dufferin in processing not just the 10,000 Caledon POA charges in that location, but also the additional 3,000 to 4,000 charges generated through the county of Dufferin and its constituent municipalities through the town of Orangeville police force, the OPP and the town of Shelburne police force.

We have started to work with the county on that objective. The county council at its meeting on April 4 passed a resolution indicating that it wished to enter into negotiations with the town of Caledon for the purposes of Bill 108. That resolution was sent to the constituent townships of the county and on about April 22 the township of Mono endorsed that resolution. The other townships are still in the process of considering it.

I think I've already indicated to you that Bill 108 gives us the opportunity for significant cost savings. The OPP has its largest contract for police services in the province of Ontario with the town of Caledon. With the transfer of the charges from Brampton to Orangeville, we will save significant amounts of time on the part of the police, principally travel time, but also attendance time and waiting-around time in the court.

We also believe that our court management bureau will be downsized because it no longer has to cope with the huge load of charges they have in Brampton and Mississauga. We also believe that with Bill 108, we can stand by the principle that the revenues realized through Bill 108 should be dedicated to the question of community policing.

Last, as I indicated to you previously, Bill 25 has permitted the town of Caledon to participate in the com-

puterization and collection, on its own hook, of parking tickets. Parking tickets are not perhaps the biggest thing on the provincial level, but they're certainly a big thing for municipalities. We welcome that particular initiative.

Most particularly, the amendment, through Bill 47, of the Provincial Offences Act which provided for first appearance attendances on part I POA charges was extremely helpful to the town of Caledon. We find that of the 10,000 charges laid under part I of the Provincial Offences Act, approximately 80% are resolved through the first attendance process provided by Bill 47. Through our effective use of that piece of legislation, we think we've established to the satisfaction of the province that we are capable of taking over whatever obligations are required by the province in Bill 108.

That basically concludes the presentation.

The Chair: Ms Koltun, thank you very much for your comments. I know members of the committee will have some questions for you.

Mr Peter Kormos (Welland-Thorold): I think we should put to the parliamentary assistant, because you raise the issue, whether municipalities can group together or form a co-op and share resources. We're dealing with 84, a proposal made in 84. I'm asking the PA, was that considered during the drafting? If it was, why was it not written into the legislation? If it wasn't considered, is it something the government might consider?

Mr Flaherty: I don't want to take up any of your time, but I —

Mr Kormos: Go right ahead. I'd love to hear your answer. So would Ms Koltun and a whole lot of other folks.

Mr Flaherty: I was going to ask Ms Koltun about that. The bill, in section 162, says the Attorney General may enter into an agreement with a municipality, but later on, in section 174 — and I want to ask you whether this addresses the concern you've raised —

The Chair: Mr Flaherty, Mr Kormos has the floor with respect to questions, unless you consent to him asking that question.

Mr Kormos: We'll share our time. We'll combine the two time frames and work this out.

The Chair: I'm glad to see the cooperation.

Mr Flaherty: Section 174 says, "An agreement made under this part may also be made with two or more municipalities." I'm wondering if that provision, as it stands, would satisfy the concern about the Attorney General being able to enter into agreements with groups of municipalities, as I understood your concern.

Ms Koltun: Yes, it would. Section 174 would certainly answer the question very satisfactorily if the contract could be between the Attorney General, the town of Caledon and the county of Dufferin, clearly. But if the town of Caledon and the county of Dufferin chose to try to make an independent group or body of some type, like a board of management or an incorporated non-profit corporation, no, this section would not deal with that last issue, but certainly it would deal with the particular situation between the county of Dufferin and the town of Caledon.

The Chair: Go ahead, Mr Kormos.

Mr Kormos: I appreciate your comments and your interpretation of 174. I put it to the PA that this comes

from an extremely qualified and experienced municipal solicitor who's had experience across the province. I just put to the PA that I suspect that sort of revision to the bill might be well received by all the caucuses.

The Chair: Thank you, Mr Kormos. Do members of the government have any questions? If not, we go to Mr Colle. Yes, Mr Flaherty?

Mr Flaherty: I will ask one more question.

The Chair: You've got to jump in fast, Mr Flaherty.

Mr Flaherty: I know. You're a very fast Chair, on your first day on the job. I'm impressed.

The Chair: Keep going, Mr Flaherty.

Mr Flaherty: In reviewing some of the background material, I noted that the cities of Brampton and Mississauga and the town of Caledon have formed a regional joint task force to prepare for the transfer of Provincial Offences Act responsibilities. Is that something in addition to your work with the county of Dufferin?

Ms Koltun: We have always been, thanks to the organizing efforts of the city of Brampton, included in the work that the city of Mississauga and the city of Brampton have been doing in responding to the initiative of the province. What we would like to do, in addition to what we've already done in working with Brampton and Mississauga, is to bring the county of Dufferin into the package as well.

Mr Flaherty: I must compliment you for making that arrangement about the Orangeville courthouse, because I can imagine that would be very convenient to the people who live in the town of Caledon.

Ms Koltun: Exactly.

Mr Flaherty: It's nice to see the justice being administered in such a way that it's actually convenient for the consumers.

What benefits do you see to the town of Caledon, other than that convenience, in the arrangement with the county of Dufferin?

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Ms Koltun: Aside from the convenience, for us what's very important in this transfer is that we do have some local control over the administration of justice. When we are with the cities of Brampton and Mississauga and the heavy criminal load and heavy POA load they generate, our concerns aren't always the very first concerns heard; we have to share the list with a lot of other pressing matters. This means, we find, that we lose control over getting our defendants through the justice system as rapidly as they deserve. That has been a very critical factor. The savings, the more effective use of police time, is also important, but it's critical that we can meet the rules in Askov promptly and get the attention our defendants deserve.

Mr Colle: It's the same point that we've repeatedly raised has to be clarified, and I just hope the government side does clarify it: What kind of body will this bill recognize in terms of a legal entity to deal with the administration of justice under the POA? We would certainly support an amendment which would clarify that so there wouldn't be any ambiguity, so there could be agreements with an entity that would be functioning on behalf of the municipalities and coordinating the activities. That's what we'd like to have clarified.

The Chair: Thank you for coming, Ms Koltun. You've shown again what a progressive riding Dufferin-Peel is.

PEEL-AREA MUNICIPALITIES

The Chair: The second delegation this afternoon is from the Peel-area municipalities. I have four names: Kathy Zammit, the deputy clerk of the city of Brampton; Michael Minkowski, senior legal counsel for the city of Mississauga; again Nadia Koltun, counsel for the town of Caledon; and Paul Dray, prosecutor with the city of Brampton. Thank you for coming.

Ms Kathy Zammit: Thank you for the opportunity to be here today. We would like the committee to be aware that we represent the entire catchment area of the areas served by the southeastern portion of the central west judicial district.

Bill 108, which will result in the transfer of certain prosecutorial and administrative functions for provincial offences, is consistent, we believe, with the direction of the provincial government in its review of services to determine the appropriate level of government to deliver those services. The legislation does not, however, represent a paradigm shift. Rather, it represents a continued devolving to the municipal level of responsibility for the enforcement and/or administration of specific provincial statutes.

For example, municipalities have been responsible for the enforcement of the Ontario Building Code Act for many years, including laying charges, prosecuting and collecting fine revenues for infractions. Over recent years, municipalities such as Brampton, Mississauga and Caledon have assumed responsibility for enforcement of the Fire Marshals Act. More recently, in 1994, the province provided municipalities with the opportunity, on an opt-in basis, to assume responsibility for the administration of part II offences under the Provincial Offences Act. Part II relates exclusively to parking tickets, and in many municipalities, including both Brampton and Mississauga, these matters are now handled very efficiently at the local level.

You will find that local governments are willing to assume the responsibilities contemplated in Bill 108, are well positioned to take over those functions, and possess the expertise and experience to provide an efficient and effective level of service for our residents.

The ability to create efficiencies at the local level has been clearly demonstrated through the transfer in recent years of the administrative responsibilities with respect to those part II offences under this act, as well as the enforcement of other provincial legislation referred to earlier.

We are confident that our municipalities will achieve similar efficiencies with respect to the responsibilities we would assume under Bill 108. Local accountability has clearly been proven, in other areas, to be a positive influence.

We are equally confident that the integrity of the administration of justice will be maintained. Municipalities have demonstrated their integrity and abilities through the exercise of their responsibilities under specific legislation such as the Building Code Act and the Fire Marshals Act.

With respect to Bill 108, the ministry is developing specific standards to which municipalities will be required to comply, and any other concerns could be addressed in a memorandum of understanding.

As you may be aware, municipalities such as Brampton, Mississauga and Caledon have extensive experience in the prosecution of our own charges laid under both parts I and III of the Provincial Offences Act. In addition, Brampton and Mississauga both already operate first attendance facilities with respect to part II parking matters. The proposed transfer, we believe, is a natural and positive progression.

Municipalities are continuing to be expected to absorb additional responsibilities without offsetting revenue. The transfer of these responsibilities appears to be accompanied by an anticipated net revenue to the municipality. Such revenues will facilitate enforcement services as well as other programs offered and administered by municipalities. We support the fact that the bill does not restrict where those revenues could be spent.

We recognize that the bill includes the transfer of responsibilities for charges processed under the federal Contraventions Act and that the province has been negotiating with the federal government with respect to costs and revenues in that regard. It is our recommendation that the bill be amended to delete the clause which provides that fines and fees imposed under the federal Contraventions Act shall mandatorily go to the province. Again, this matter would be addressed through the memorandum of understanding, depending on local circumstances.

Bill 108 expressly exempts municipalities from the status of crown agents. This will also have the effect of possibly removing any protection from liability in the event of public nuisance litigation by an upset defendant. It may be appropriate to amend the bill to include a provision which protects staff from any liability where staff is acting in good faith, similar to provisions within the Building Code Act and other pieces of legislation. The municipality may still be found liable, but at least the prosecutors and others in the system will be shielded in the course of discharging their duties.

The task force established to review the transfer of responsibilities for administration and prosecution of offences under this act recognized the diversity of municipalities within the province of Ontario by the representatives appointed to that task force. Large and small municipalities were represented, cities, towns and separated cities, local and regional municipalities, urban and rural.

With the enactment of Bill 26, the province has acknowledged that local circumstances may dictate a sensible focus for the provision of a specific service. Further, this government's policy pronouncement is to respect to decision-making at local level and allow for local circumstances to respond to local needs.

It's our recommendation that Bill 108 be amended to provide that POA authority should be a matter for local municipalities, with provisions similar to those included in the Municipal Act in the last couple of years to allow for the migration of services where local circumstances dictate. This would allow for consistency between this bill and other municipal-related legislation.

In closing, on behalf of the cities of Brampton and Mississauga and the town of Caledon, we wish to indicate our solid support for the intent of the proposed legislation, with and the amendments noted in this presentation, and to confirm that the municipalities of this province consider the transfers contemplated by the bill to be appropriate and consistent with the evolving recognition of the value for local autonomy.

Clearly, such a transfer can only be to the benefit of the provincial government, the municipalities and the people of Ontario, and we ask that the members of the Ontario Legislature support this bill.

Thank you for your time and attention. We would be pleased to answer any questions you may have.

Mr Flaherty: Thank you for coming. I appreciate and recognize that the municipalities have acted more than responsibly in dealing with the part of the Provincial Offences Act with which you've been dealing for the last several years. I have no doubt that you will be more than up to the job of dealing with more of those offences under Bill 108.

With respect to the proposal concerning federal contraventions, do you have any data with respect to the volume of those types of offences in your municipalities?
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Ms Zammit: The primary municipality would be Mississauga, so perhaps Mr Minkowski could respond.

Mr Michael Minkowski: The only data we have at the present time relate to the volume of parking tickets being issued at the airport. That arises as a result of a very recent agreement between the city and the federal government for one year, whereby the municipality is to administer the ticketing and enforcement of parking tickets. The figures we have there indicate a projection for this year of 52,000 parking tickets for 1997.

Mr Flaherty: Fifty-two thousand parking tickets at the airport? Oh, my.

Mr Minkowski: That's right. That's based on the 1995 and 1996 figures provided to us by the feds.

Mr Flaherty: You've entered into some sort of memorandum of understanding with the federal government with respect to prosecuting those tickets?

Mr Minkowski: Yes.

Mr Flaherty: Who is the prosecutor? Are you the prosecutor?

Mr Minkowski: No. For Mississauga it's my colleague Mr Meeham.

Mr Flaherty: I wanted to ask you about your experience prosecuting the parking ticket offences over the last few years.

Mr Minkowski: Mr Dray is the prosecutor for Brampton, and he can just as easily answer that, if you wish.

Mr Paul Dray: I don't personally do them, but somebody in my department does the actual prosecutions under part II. We have been very successful.

The other part of that is the first attendance, which eliminates a lot of the tickets ever going to court. If someone comes in and there's a malfunctioning meter or there's something that is an issue that can be addressed, why put that person to a court? We can take that out of the system. The POA provides in our area for the same

type of system, where someone can come in and meet with the prosecutor, whether it be on a Highway Traffic Act and/or a bylaw, and in many cases we can reduce the fine or come up with something, and then they go before a justice and that is recommended by both parties. The first attendance has been very successful, as Ms Koltun has also said.

Mr Colle: Ms Zammit, in terms of the reference to allowing for the migration of services, what do you mean by that?

Ms Zammit: There's legislation now which allows certain responsibilities to local municipalities. The best example I can think of is waste management. Where there is a double majority, I believe it is, within the municipalities of the area and the population of the area, those services would then migrate to an upper-tier level of government.

Mr Colle: Essentially, you're trying to indicate that you want the municipalities to have some kind of ability to come together in delivering a service in a cohesive way, based on what they agreed to in terms of your double majority system or whatever.

Ms Zammit: Yes, if it's appropriate for the municipalities within the area, it would be a local responsibility. Where the circumstances in the local area would dictate that it would be a more appropriate focus at a senior level of government, the provision would be there to permit that.

Mr Colle: The question here is going to be, what role will the region of Peel play in the delivery of these services?

Mr Dray: My understanding is that the CAOs have met with regard to the regional role in this, and my understanding is that the region has no interest in this at this time. In our particular region, it's not a direct elect to the region and local councils control the region. There's been an agreement that the region is not interested at this time in this particular project.

Mr Colle: Just one other question, dealing with migration again. Some people may live in Brampton but work in Mississauga and so forth. In terms of the continuity of fines and the level of fines and how they're dealt with, will there be attempts to deal with that to make it not contradictory, obviously?

Mr Dray: There are two issues. The first is that provincial fines are set by regulation and we have no control, so there will be continuity with regard to speeding, stop signs and lights. There will be no variance there. With regard to bylaws, the set fines at the moment are approved through the Attorney General's office and the Chief Judge and there may be some little bumps there. In Peel we've been lucky enough to have council and the enforcement get together and we've even tried to standardize our traffic bylaw so that if you get a ticket in Mississauga it's the same fee in Mississauga, Brampton and Caledon. There are some discrepancies, but if you park in a fire route in one, it's going to be the same in all three. That still is at the discretion of the municipality, so there may be some variances there, but provincial matters are set by the province and there won't be.

Mr Colle: It's certainly in parking areas where you might have a bit of discrepancy, the parking fines and parking bylaws.

Mr Dray: Right at the moment there are some discrepancies with regard to some areas in Caledon only, and it's because they had a real problem in certain areas with people from the city visiting those areas and congesting small communities. They have a tag-and-tow and their fines are higher in some areas there than they would be in the city. But all the other fines between Brampton and Mississauga have been coordinated and are the same.

Mr Kormos: I'm wondering if you could take a look at section 169: "A municipality that acts under an agreement under this part does not do so as an agent of the crown in right of Ontario or of the Attorney General." That obviously addresses, among others, section 162, which talks about the type of relationship that exists by virtue of the agreement under part X with the municipality that enables the municipality to prosecute and to undertake responsibility for courts administration, court support functions. Do you have an understanding of what the motive of section 169 is, that the municipality is not an agent of the AG or of the crown?

Mr Minkowski: I can't speak as to that understanding. We don't have that. Our objective or suggestion is to pick up the language that you see now in subsection 170(3), which provides that, "No proceeding for damages shall be commenced against the Attorney General or an employee of the Ministry of the Attorney General...." and to have a mirror type of provision apply to staff at the municipal level.

Mr Kormos: I'm in agreement with you. I'm concerned because I'm suspicious, I suppose, about why 169 is there. I just wondered if you had considered it. Now I'll ask the PA. What the heck? Let's go to the horse's mouth —

Mr Flaherty: Horse's what?

Mr Kormos: — and get it addressed directly. Section 169: Why is there a need for that?

Mr Flaherty: The concern behind section 169 is that the Attorney General has the power, for example, to lay charges and re-lay charges, and it is not intended that this power of the Attorney General be delegated to municipalities.

Mr Kormos: You've got to carry on with that a little bit more, because I understand what the power of the AG is and there's some transfer of that power by virtue of the agreement. There's an agency effected by the agreement, which is why I'm assuming section 169, which says there's no agency — there's an agency inferred in the first section of part X when you talk about the contract, the agreement. But then clearly the government wants to say there is no agency, nobody can argue agency here, notwithstanding that there's one implied or in fact created by section 162. So what is being addressed there? If you want to curtail powers of a municipality that acquires this right under part X, you could simply put that in the bill. I'm curious as to what's being addressed by statutorily denying an agency which clearly is created in section 162. What's being resisted or prevented?

Mr Flaherty: Again, the concern that is being addressed by section 169 relates to the powers that only the Attorney General has; for example, to stay a charge or to re-lay a charge. Those powers are specifically not passing by way of agency, given the provisions of section

169. That's a matter of policy and a matter of the Attorney General retaining those powers that are his.

In terms of the contractual relationship, the contractual relationship will be established by the memorandum of understanding between the municipalities and the Attorney General.

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The Chair: You have a minute, Mr Kormos.

Mr Kormos: I understand your concern about staying charges, which isn't an overwhelming issue in this level of prosecutions. Why would there be a concern about re-laying charges? The government seems to be prepared, at the election of a municipality, to surrender to it all the prosecutorial powers, all the administrative and bureaucratic authority. Why wouldn't you give it the power vis-à-vis that level of charges, provincial offences? You've deemed municipalities adequate to prosecute them. Why wouldn't you give them all of the powers of the Attorney General if you're going to lay that on the lap of the municipality? Don't you trust municipalities?

Mr Flaherty: The Attorney General has his responsibility to administer justice and supervise the administration of justice in the province of Ontario. The Attorney General is going to maintain that obligation not only to do that, but to maintain standards in the administration of justice, just as in section 168 the Attorney General maintains his power to intervene in proceedings should the Attorney General see fit to do so, including an appeal at any stage, given his responsibility as the chief law officer of the crown in the province of Ontario.

Mr Kormos: I also note that —

The Chair: Mr Kormos, I think we'll have to leave this till perhaps clause-by-clause. I know it's an interesting topic but we have a time limitation.

Ms Zammit and members of your delegation, thank you very much for bringing your comments to the committee today.

ODUIT RAGHUBIR

The Chair: The next delegation is Oudit Raghubir. Welcome to the committee, sir. I hope I pronounced your name correctly. Thank you for coming, and you may begin.

Mr Oudit Raghubir: I'm representing myself. I'm not representing a municipality. I don't have a group of legal people advising me or directing me how to address you, so you will have to bear with me.

The Chair: You're doing a fine job.

Mr Raghubir: At the moment I wish just to give you something of my background. I'm presently an employment counsellor at human resources. Previously I was a welfare worker. Prior to that I had a year of experience in the probation services. I was here on February 20 addressing Bill 103, so I have a personal interest. I take my one time and I'm showing up here all the time.

Also I want to tell this side of the House I go back a long way, not with political connections, but I go back a long way to the late Mr Hugh Latimer, go back to Bill Davis and Mr Robarts. When I'm going to speak here today, don't think I am a basket case, because I have some credibility in the community.

I did get a copy of Bill 108. I had a look at it, very carefully. I did read the Provincial Offences Act very thoroughly, going back to 1979, and I'm here today to talk about the Provincial Offences Act and how a municipality can abuse it and how the justice system is being abused, how a municipality enforces its bylaws just to get convictions against ordinary citizens.

First of all I want to make one point: Under the Provincial Offences Act, you can have a partnership with municipalities. You can have a partnership in your cost factor with welfare and all these kinds of things, but the law has to be fair and consistent under the Provincial Offences Act. For a very long time municipalities have overabused their power. I remember well, when I go back, there was only one Attorney General who understood it, and that was Mr Ian Scott. We discussed that. The current Attorney General does not even have a vague idea. His late assistant, Michael Code, replied to me based on the Provincial Offences Act that has a 20-year history and cannot get it right. There were a few other attorneys general before that who did not get it right.

What I am saying here is, municipalities, when they want to pass a bylaw or they have passed a bylaw and it's not working, use the Provincial Offences Act to prosecute people. Parking and all these things to me are like petty cash. The big issue: Is the municipality using the Provincial Offences Act to retain expensive lawyers to take advantage of poor people? That is my concern here.

It's a very serious matter, this Provincial Offences Act. One of the speakers before made a comment: "I wish some of the other lawyers who are advising municipalities would listen to what I'm saying." I wanted to tell you, and I insisted, that you cannot have the Provincial Offences Act in partnership. You must remember one thing. The Provincial Offences Act is quasi-criminal in nature, so if a municipality passes a bylaw just to convict you, he's creating a criminal offence. But it looks to me like that is what has tied up the court system, particularly in the city of Toronto, for a long time.

They have derived their power from you, the province, based on the BNA Act. I don't know how you're going to make some of these changes based on the Municipal Act and all these kinds of acts that are involved, but my primary concern here today is it has been too long and the time has come to an end. The municipalities must not abuse the Provincial Offences Act. It is in laymen who lay charges in front of a justice of the peace, and the justice of the peace does not even understand the — I will go so far as to say I remember very well that for the last 15 years, most judges of Ontario, a lot of them, didn't understand the Provincial Offences Act. I have been convicted in it because I own an income property in the city of Toronto.

Some of the best lawyers in town — I remember recently Mr Clayton Ruby admitted to me, "Look, the city of Toronto should be taken for fraud," because he was the prosecutor at one time retained by the city of Toronto, and just after there was Mr Ian Scott.

I've taken this opportunity here today to tell you how serious this matter is. This committee, if you want to streamline, you've got your Bill 103 passed and every-

thing you got passed, but the justice system has to be fair, and it's not going to be fair by having pockets of administration of justice, so help me God. The Charter of Rights is not going to be applied fairly and squarely.

I have, and I'm quite sure I know a lot of people can't even comprehend — I don't mean the Provincial Offences Act. I'm telling you this: I've seen lawyers in this city who still don't understand the Provincial Offences Act in relation to their bylaws when they want to prosecute people. But the idea is to get the prosecution. When you're wrong in passing a law — a bylaw is a law and it is short of right. When you pass a law, it's inconsistent, it's fakish, then you use the Provincial Offences Act.

I don't know most of your expertise here but I am just going to show you what a provincial offences act does. This is what a provincial offences act does. From 1982 to the current time: Plead to one judge; appeal another judge, Madam Justice Weiler; another judge; appeal again; charge again; convicted again. This is what it is. An Osgoode Hall law professor wrote a big report and still can't get it right. That's what the Provincial Offences Act does to ordinary human beings and citizens.

I'm going to tell you this: I have sat in courts in this province and I have seen ordinary people under this provincial act who don't know the difference, don't understand it.

Let me show you something, what happens with the Provincial Offences Act. You charge two people; you go in front of a justice of the peace and you charge them and you give them two summonses. Then the information you prepare for the judge is different. These are all court documents I have retained. To give an example, they have sent a summons to my wife and sent one to me. They're both partners. You go to court; you're lost. They try you both together. You act very silly, stupid, in front of the judge. You don't know what's going on. After a little while, I did some research. I went and got a court paper where the judge signed, and I found out that whoever this municipality bylaw enforcer is changed the information, and the judges proceeded. It takes a long time. This is the kind of thing that goes on in this city. Transcripts even disappear in the court if you've got a case.

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Mr Chairman, this has been a long-drawn-out process. I'm here and I don't have lawyers. I'm representing myself. I have followed this system very carefully. I've spoken to Mary Hogan; I've spoken to George Thomson. None of these deputy ministers can get it right — none of them. Mr Scott was going to do his best but he has a conflict in this matter. All pertains to the Provincial Offences Act, nothing else. The act can be overused.

Even the OMB will tolerate it, because what tends to happen — Mr Colle is here; he and I spoke very strongly about the OMB and what I think about it. They can go there and manipulate the bylaws. This is the kind of thing we have. What it does is it ties up the court system; it ties up our municipalities from functioning effectively and properly. These are the kinds of things under the Provincial Offences Act.

Mr Chairman, I'm sure this is the first time you've heard this. There is one more lawyer in town, a guy named John Andrea. He's in your riding. He's a fellow

who did an investigation for Mr Joe something. He was the only lawyer who told me: "Don't worry, Raghubir. They're all abusing the Provincial Offences Act. They can't do anything." But you have orders; the city got a restraining order.

I know we are leading into a new century. We are leading into some new things. I'm even surprised at some of the best-qualified municipal lawyers. Look at these things. Nobody will want to take them on because they won't have any money — earning a living. What is he going to do?

Mr Chairman, as I finish here today — I'm here because the Provincial Offences Act for a layman like me, I can only do so much about it. Mr Roger Oatley made some strong comments, and I think this committee or the Attorney General's office should go back and read some of those municipal interpretations in case law that have been dragged out before dismantling anything. All I'm asking for is fairness of the law, consistency; the law must apply right across, fairly and squarely. The municipalities are too inconsistent with law. They can't get it right and they will never get it right.

In my deputation today I will not say anything more, but I will expect when this is all over that this Minister of Municipal Affairs has got everything he wants and he may take the privilege of having that inquiry on the city of Toronto where this kind of abuse transpired. It was created by Madame Justice Weiler, but still, you can take the Provincial Offences Act and do anything you want with it.

Thank you very much. I don't have anything more to say.

Mr Colle: Thank you for taking time as a private citizen to come, as you've come before.

I guess the days ahead are going to be quite amazing. As you know, we are going to enter into re-examining and blending and consolidating over 120,000 bylaws here within the six municipalities. I would ask you to be involved in that. I know Andy Paton and other municipal lawyers are rubbing their hands with glee because they know the motherlode is coming and they're going to make a fortune, trying to reinvent and rejig all these bylaws across Metro. I just hope you can be a watchdog, because these lawyers are going to — no offence to the lawyers here; I'm covered with lawyers. Anyway, there's going to be a pension for life for the lawyers of Metropolitan Toronto. It's going to be a gift that the Minister of Municipal Affairs and the Premier have given to the Law Society of Upper Canada.

Mr Raghubir: Mr Colle, today will be my last day here. I have been here before when your government was in power. I was invited to talk about the housing act. When Ian Scott was — I'm trying to remember what was done. I have been here on other things, to talk about building codes and all these kind of things, and today will be the end of me here. I tell the people on this side of the House — I didn't ask favours from anybody — I go back to the late Hugh Latimer, and that is credibility. We are old friends. We were just friends. For someone like the Raghubirs, for something like this to be done for 15, 16 years, is a disgrace to this House, and I'm saying that, a disgrace to this province and a disgrace to this city.

I spoke to Larry Grossman before all this, before the new Attorney General. I said, "Larry, something has to be done." I knew his dad, knew Hugh Latimer. I'm not a lawyer. I'm an ordinary guy. Who's going to listen to me? These are some of the people, but I don't know where this goes. The Deputy Attorney General, the deputy minister, knows me well, knows me by name. I am telling you, I have seen this happen in the city of Toronto. I can't believe that these kinds of things continue.

I phoned David Crombie. I phoned John Sewell. I phoned Art Eggleton. These are other people's mess that I have to deal with. You know what? They've got me like a sucker because they just keep the heat going and they're using me as a pawn. I don't know what Mr Colle said. I have made this in Bill 103. Yes, you're right; if this minister is serious there is a way 100,000-and-something bylaws and can end up as just a thousand. But he's not going to be pay me \$300 or \$400 an hour, right? I'm not a lawyer.

I came and spoke fairly and squarely on Bill 103. Mr Colle was here; he can tell you. I spoke fairly, and I see three things came true. The Ontario Hydro story. I said, "You'll save 20% to 30%," and it's true. Ontario Hydro realized that. I said also, "You have to amalgamate ARB and OMB," and it's happened. I heard this recently. I didn't do too bad, Mr Colle.

I'm here to see the system work and work fairly, but this one, I was weighted. I know, Mrs Munro, that a few times I was a little bit upset that this was cancelled a few times. Your name was given to me; no reflection. I'm taking my time to be here, and this will be the last of it.

The Chair: Mr Kormos, I believe, will have a question.

Mr Raghubir: Sorry, sir. You go ahead.

Mr Kormos: I find lawyers as offensive as anybody finds them. I know far too many of them. Yes, they can be as offensive as they come.

Look, you've obviously spent a whole lot of time over the course of time — and I don't want to know what you and your wife were charged with.

Mr Raghubir: A bylaw. I have a building with 10 units and not enough parking. That's all.

Mr Kormos: Now we know. Eventually, was there a fine or an order imposed?

Mr Raghubir: The first time I was convicted, in 1983, there was an order, no fine. Judge Charlton gave me a fine of 50 bucks, but I appealed it and won the appeal. I did it on my own. What is interesting is that when Madam Justice Weiler said, "Because the bylaw was passed retroactively, retrospectively, I set it aside." That was an OMB decision. I am surprised, if the city is paying a lawyer \$100,000 or \$200,000 a year and he can't interpret that. There's something wrong, man. The city said they didn't know what happened, so they came back and charged me in 1987 — convicted. I appealed that one. I went in front of appeal court. All the evidence didn't show up in court, so I let the trial to go through. What else are you going to do? Then they charged me back again another time. I let it go, because at this point I didn't know the city game. But do you want me to tell you what the city game plan was?

The Chair: If you can be brief.

Mr Raghubir: They wanted to go to Supreme Court. They have lost three cases — the guy that sells the flowers, a guy who was selling T-shirts, and the Dome story — so they need another sucker to go to Supreme Court.

Mr Kormos: Is this the city of Toronto?

Mr Raghubir: The city of Toronto.

Mr Kormos: I would go see Tom Jakobek, because if anybody can resolve your problem it's Tom Jakobek. I would take my paperwork to him. I'm serious, Mr Raghubir. I'd insist that Tom Jakobek sit down with me until he understands the whole issue.

Mr Raghubir: He can't do anything. Barbara Hall, even, cannot do anything.

Mr Kormos: Go to Jakobek first.

The Chair: Thank you for coming, sir.

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CITY OF LONDON

The Chair: The city of London, Mr Hopcroft, is here to visit us. Good to see you again, sir.

Mr Grant Hopcroft: Thank you. Nice to see you again.

Let me begin by thanking the members of the committee for giving the city of London an opportunity to bring forward some suggestions for the committee's consideration. Let me start, before I get into the written submission, by commending the province for making the legislation as permissive as it is, for having the confidence in municipal governments and the ability of municipal governments having the capacity to take on the responsibilities, and obviously the revenues that go with it, as part of this bill.

Most of the submissions I will be making are matters of a technical nature where we have some suggestions which we think will improve either the clarity or the ability of municipalities to deal with the legislation.

The first area I'd like to focus on is with respect to the administration and support functions in the bill. Clause 162(1)(a) of the proposed act contemplates the municipality performing administration and support functions, including the functions of the clerk of the court. By way of incidental comment, at this point it is assumed that the government will establish a transition team and will provide transition assistance with respect to labour relations, finance, accounting, computer systems, information and such other matters, to avoid disruption to the administration of these offences.

In London, the present courts administration and courts functions for provincial offences are combined with those provided for criminal offences. The reference to the "clerk of the court" can be interpreted as including or excluding the functions of the clerk-monitor present during court proceedings, interpreters or other in-court personnel. Although the French Language Services Act excludes municipalities as a government agency that is to provide services in French, the proposed act is unclear as to the obligation, or not, of municipalities to provide administration and court functions in both official languages.

We're suggesting the act be clarified by way of amendment or regulation with respect to: (1) The municipi-

ality's responsibility in situations where there is combined administration; (2) defining the functions of the clerk of the court; and (3) the obligation, or not, of municipalities to deliver services in French in so far as this administration is concerned.

The next issue I'd like to touch on is part III prosecutions by municipalities. Clause 162(1)(b) refers to municipalities conducting prosecutions in proceedings under parts I and II of the act. We now, as you know, conduct prosecutions under part III, and the present wording could be construed as divesting a municipality of the powers we currently have. We think this needs to be clarified.

The third issue is the dispute resolution procedure, which we are requesting be inserted. Right now, 162(1) empowers the Attorney General and a municipality to enter into an agreement authorizing the municipality to perform functions and conduct prosecutions, including the Contraventions Act of Canada. Subsection 162(3) provides performance standards and sanctions and requires the municipality to meet standards and exposes the municipality to sanctions for failure to meet them. Section 171 of the act allows an agreement to provide for a review committee whose composition and functions are determined by regulation.

It is our submission that the act should be amended to provide for a process for adjudication of disputes by an independent body with respect to whether a municipality has attained the performance standards specified in the agreements, and if not, whether the sanction imposed for failure to meet such standards is fair and reasonable in the circumstances. It is respectfully submitted that the Attorney General should not be in the position, as a party to an agreement, of adjudicating alleged breaches of that agreement.

The next submission is a request for a privative clause. Subsection 164(2) of the act requires that judicial notice be taken of the agreement, and subsection 164(3) provides that no proceeding is invalidated by reason only of a person's failure to comply with that. The proposed act, however, is silent with respect to challenges of its legality either by way of a separate application or as a defence in a prosecution.

The proposed act should be amended by the insertion of a privative clause which would preclude any action or other judicial proceeding by third parties to impugn the agreement, the authority under which the agreement is entered into or the steps taken either by the Attorney General or the municipality to enter into the agreement.

The fifth submission is with respect to estimates and accounting. The act in clause 165(5)(c) provides that municipalities shall pay to the Minister of Finance, among other things, the costs incurred for adjudication and prosecution, monitoring performance and enforcing the agreement. Presumably, municipalities should make provisions in their annual budget for such costs. In addition, the municipality should be provided, if it wishes, with an accounting of the costs after the fact.

We are requesting that the act be amended to provide for submission by a prescribed date each year to the municipality of the annual estimates; and second, an accounting, if required, after the fact of the actual costs incurred.

The sixth submission is with respect to court costs regarding the Contraventions Act Canada. Clause 165(5)(d) requires a municipality to pay to the minister fines and fees imposed under the Contraventions Act Canada. It would appear that the municipality will bear the costs of administration related to proceedings and the imposition of fines and fees without receiving reimbursement either from the Minister of Finance or the Attorney General of Canada for this service. The act should be amended to provide reimbursement for those costs.

The next issue is with respect to interest claimed in civil proceedings to collect fines. Subsection 165(7) of the act precludes a municipality from collecting any other charge for acting under an agreement except with the Attorney General's written consent obtained in advance. The wording of the subsection appears to preclude a municipality claiming interest in civil court proceedings used to collect outstanding fines unless the Attorney General consents in advance to such civil proceedings being initiated. The act should be amended to allow municipalities to claim interest in proceedings brought to collect outstanding fines without a requirement for that consent.

Similarly, we are requesting in our eighth submission that the act be amended to remove the constraint upon the Attorney General only giving consent in advance and to confer the discretion upon the Attorney General to give consent either before or after the event to cover situations where, through inadvertence or impracticality, prior consent is not obtained.

Paragraph 9 of our submission reflects the requirement, in our view, to enable the use of persons not municipally employed. Paragraph 4 of section 167 and the complementary amendments to the Courts of Justice Act variously refer to "municipal employee" or "employees." Those provisions would preclude a municipality from engaging persons who are not in a relationship of employment with the municipality. We should be permitted to engage a person who is not an employee of the municipality to perform functions under the agreement provided the municipal council ensures the person is properly trained and qualified to perform the duties and properly supervised with respect to the nature of those duties. Such supervision should be performed by an employee of the municipality or, with the consent of the Attorney General, some other person or agency.

We are requesting that the act be amended to allow municipalities to engage persons other than municipal employees to perform functions provided that the municipal council ensures the person is properly trained and properly supervised; and second, that the supervision is performed, with the consent of the Attorney General, by someone other than a municipal employee.

The last issue I'd like to address is the goods and services tax implications, something which municipalities I think have good reason to be concerned about, given recent assessments and reviews. Section 169 of the act states that a municipality acting under an agreement does not do so as an agent of the crown. The effect of this is to make the municipality an independent contractor.

Given this status, it's unclear whether the services provided under the agreement would be liable to goods

and services tax. The act should be amended to establish a status in law between the Attorney General and the municipality and between the municipality and other participating municipalities that addresses the attraction of goods and services tax.

In the time permitted, I'd be pleased to answer any questions.

The Chair: Your usual well-thought-out brief, Mr Hopcroft; I am sure members do have some questions.

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Mr Kormos: The concern about Bill 8 communities and the obligation to provide provincial services in both languages has been raised, obviously, earlier in response to this bill. The municipality wouldn't object, would it, to complying with Bill 8?

Mr Hopcroft: No, I don't believe so. What we're asking for is clarity with respect to our responsibilities so that it is absolutely clear.

Mr Kormos: It's interesting, because you made reference to section 169 and how that could impose the responsibility for collection of GST, as to the cost of the services being provided. I've asked about section 169 of other presenters earlier.

Have your staff given any other consideration to 169, and do you have any concerns about the fact that you're performing this Attorney General function by virtue of prosecuting, yet you're not deemed to be an agent of the Attorney General? Have you given any thought as to what that means, be it a benign impact, exactly what the purpose of that is, or has it confused you? It may not have confused you in the way it's confused or bothered me.

Mr Hopcroft: I can only assume it's there in some way to distance the Attorney General from whatever we may do. I think if we have adequate performance standards and there's adequate diligence done before agreements are entered into that we should be entrusted with the powers to act as agent, first to address the GST issue and, second, to ensure we have the ability to carry through the functions the Attorney General currently does in his administration of the act.

Mr Kormos: I'm inclined to agree, subject to whatever, because we're looking for some of the arguments that support 169. I'm trying to find out why it's there. I appreciate that. Thank you kindly.

Mr Flaherty: Thank you, Mr Hopcroft, not only for travelling here this afternoon but also for the written presentation, because it raises a number of issues that certainly will be reviewed and considered. You've raised some points that have not been raised here earlier today in these hearings.

With respect to the first point on the first page, dealing with administration and support functions, the bill would provide that the municipality would only be responsible for provincial offences work and not criminal work, although if I understand this correctly, the same court clerk in some places currently would do both criminal and provincial work. Is that right?

Mr Hopcroft: That's correct.

Mr Flaherty: Is that the situation in London?

Mr Hopcroft: It's the situation within our district where in fact there's a dual administration.

Mr Flaherty: The proposal would be that during the transition planning the separation of those functions would have to be addressed. Since only provincial offences work is being transferred, obviously no criminal work is being transferred, that will have to be addressed as part of the implementation process. There's no question about that. I thank you for raising that point.

With respect to the second point on page 1, part III prosecutions by municipalities, I understand some municipalities do prosecute some part III offences. I gather London does.

Mr Hopcroft: Yes.

Mr Flaherty: The intention is not to take away any of the work that's already being done.

Mr Hopcroft: We appreciate the intention. We just want to make sure that —

Mr Flaherty: I'm glad you've raised it. We'll have to address it during the memorandum process to make sure there's no change in the system that I gather is working well in London.

On the GST issue, I'm unclear as to the consequence there. Is the concern that the municipality might have to impose GST on fines?

Mr Hopcroft: The concern is that there may be GST imposed on any compensation passing back and forth between the municipalities or the Attorney General, either between cooperating municipalities or between a municipality and the Attorney General. We've had, unfortunately, as a municipal sector, some very unpleasant experience with the federal government as to GST being attracted for a number of transactions that we don't believe were ever contemplated when the GST was first brought into play. We're seeing now a number of transactions attracting tax at the municipal sector level that really only add cost to the function, detract from the ability of local governments to provide those services in as cost-effective a way as would be the case if the administration were done as an agent of the provincial government. If we have that agency status, clearly, by implication, it would be exempt and GST would not be attracted, and the function of the local provincial offences administration would be something purely between the province and the municipalities without attracting that tax-due process.

Mr Colle: I just want to thank Mr Hopcroft for coming here. I think there are some very valid points and I hope attention is paid to them, especially the one about interest. I think either it's got to be in the memorandum of agreement or it should be certainly amended to ensure that municipalities don't get caught short on the collection of those fines, the interest on those.

Mr Hopcroft: We can certainly appreciate that the minister would want to have advance notice in as many cases as possible. We feel that the discretion to deal with these after the fact is important as well.

The Chair: I know I'm going to regret this, but Mr Kormos says he has one small question.

Mr Kormos: I trust that it's both the Brian Mulroney and the Jean Chrétien GST that causes you concern.

Mr Hopcroft: It is the federal GST that causes concern.

The Chair: I knew I'd regret it. Thank you very much, Mr Kormos. Mr Hopcroft, thank you for travelling

from London to spend a few moments with us on this bill.

Mr Hopcroft: Thank you. It's always a pleasure and we hope that we've been of some assistance in making the legislation better.

The Chair: I know you have. Thank you, sir.

CANADIAN BAR ASSOCIATION, ONTARIO BRANCH

The Chair: The final delegation to see us this afternoon is the Canadian Bar Association, Étienne Saint-Aubin, chair of the official languages committee.

Mr Étienne Saint-Aubin: Mr Chair, I apologize for this cold-afflicted voice. I guess the keen anticipation accumulated over these many weeks of adjournments may have finally done me in. My name is Etienne Saint-Aubin. I'm a lawyer and I'm here with my colleagues, senior counsel in the city of Toronto, Tony Keith, and Paul Rouleau will be rejoining us shortly.

I'm here on behalf of the Canadian Bar Association, Ontario branch, which represents 14,000 members associated with the laws of this province. I know you've heard this said many times before, but I do intend to be quite brief. The written material you've received in fact is not a written brief as such. It's a compendium of the relevant Ontario legislation that is of concern in the issue of the legislation before you today. Therefore we intend to focus on one aspect of this bill which is of concern to the CBAO.

The measure before you today devolves responsibility for most provincial offence administration and prosecution to municipalities. We understand the guiding intent of that legislation to be one of improving and streamlining the administration of justice. The one aspect which runs counter to this approach of streamlining and improving and which is likely to cause unnecessary problems is the fact that the legislation contains no provisions for maintaining existing rights to the use of the French language before the courts, except for the fundamental right to being heard in the French language which continues, and municipalities continue to be subject to the aspect of a citizen being heard before the finder of fact, but also the very important issue of services provided at the counter, both in terms of the court offices and in terms of the prosecutorial offices, knowing that often these matters needn't go to a court of law if they can be dealt with expeditiously in the form of the services aspect.

The legislation does not adequately protect these rights to receive governmental services designated under the French Language Services Act in these designated areas. The provisions that I handed out under the French Language Services Act do not apply to municipalities. That was a policy decision made several years ago when the act was adopted. It does not apply unless they specifically adopt a bylaw to that effect.

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We believe these issues should be of concern to the committee and to the government because there's a great risk of unravelling the historic and finely balanced and honourably made-in-Ontario achievements of all three parties. All three parties have established and

strengthened over the years this right to the use of the French language as an official language of the courts and as a language of governmental services under the French language act.

It has been my privilege to have had a direct involvement in both these important pieces of legislation. They reflect the knowhow of this province. But they also reflect a keen sense of the "know why." These obligations were not imposed upon the province of Ontario by any court. This was a path freely chosen by its people as a means to reflect, as the physical heartland of this country and in a sense its heart and soul, that the protection of minority rights is an eloquent testimony to a love of this united Canada.

We understand the ministry's position to be that issues such as language can be addressed in individual agreements with municipalities one at a time under the legislation. We see three possible choices that can be made in this matter: One is to forget about this completely, and for one moment I and my colleagues do not countenance that the government would even consider that as an honourable route. Second, there is this churning up of the language issue with municipalities one by one. I needn't belabour the point that language issues have a special sensitivity to them.

Mesdames et messieurs, ça ne prend pas la tête à Papineau pour se rendre compte qu'il y a une voie beaucoup plus simple.

The road is, of the three, and the last one that I'll identify, the plain and simple road — and I adopt the words of the presenter just previous to us from the city of London. I am pleased to hear this call for clarity and it meshes precisely with what we're calling for: putting it up front, plain and simple, with a provision to maintain existing language rights, to make legislation subject to other language legislation finely crafted over the years by all parties. We're of the view that this method has the merit of clarity but also of adequately reflecting what this province is all about.

Mr Flaherty: With respect to the Courts of Justice Act, I appreciate the common ground, the acknowledgement of course that the Courts of Justice Act does provide a protection with respect to trials themselves. As you know the proposed legislation, the bill, does deal with standards being reserved to the Attorney General in terms of the provincial application of the legislation. We had a presentation this morning by the association, which was helpful. They raised some of the points which you have also raised and these are matters obviously to be considered, and I appreciate the presentation that you've made to us here.

With respect to the extent of the concern, if I may address that, and we did talk about this this morning to some extent with the representatives of the association, as I understand it, over 50 of Ontario's 200 municipalities located in the province's 23 designated areas have voluntarily passed resolutions declaring themselves officially bilingual. The municipalities that have done so represent about 63% of the total French-speaking population located in these designated areas.

I find that encouraging in the sense that I think most reasonable observers would conclude that the municipal-

ities in Ontario that have taken upon themselves the obligation of administering and prosecuting parking offences over the past several years now have done so in a responsible manner. It's certainly reasonable, based on that past performance, to anticipate that they will continue to demonstrate a degree of responsibility in the way they take on some additional responsibilities under this legislation.

My question to you on the extent is, what is your information and expectation with respect to the responsible behaviour of municipalities in Ontario in this context?

Mr Anthony Keith: In answer to the question, I think the concern of the Canadian Bar Association, to put it simply, is that existing rights should not be undermined. It should not be left to a whim, if it comes down to that, or a decision on the part of a local municipality as to whether it will or will not continue to provide rights at the municipal level that already exist at the provincial level. That's the concern.

Yes, it's appreciated that in many cases municipalities have accepted the linguistic duality that exists; other municipalities have not. Other municipalities have gone out of their way to declare themselves opposed to that sort of responsibility. It seems to us contrary to fundamental justice that one would allow the possibility of existing rights to be undermined so that in some parts of the province these rights would exist and in other parts of the province they would not. That is not to my understanding the way the administration of justice ought to be maintained in this province.

Mr Flaherty: I find it a bit surprising in the context of elected municipal officials that they would not be responsive to their ratepayers and citizens in their communities who would require services in both languages. For example, when the regional municipality of Ottawa-Carleton's representatives were here earlier today, they emphasized their commitment to providing French-language services to their citizens. Do you not believe that other municipalities would emulate a municipality like the regional municipality of Ottawa-Carleton in being responsive to the persons who elect them?

Mr Saint-Aubin: If I may add, sir, the track record of municipalities that have tied into the French Language Services Act — I beg to differ as to the impact on the French-speaking population of this province. Very few francophones are affected in terms of enhanced rights by a list of municipalities actually operating with such a bylaw.

This isn't being said, first of all, to be disparaging of one municipality or another, but I have heard it said — and I think there is great wisdom in the approach of this government not to reopen the French Language Service Act. But if the government is not going to do anything about this issue, it's going to have to address it in individual agreements with municipalities. If that isn't reopening a language issue, I don't know what is.

You have it from London that they see merit in things being put up front with clarity. We see more than merit in that. You will forgive me, but from the perspective of a minority, it's extremely distressing for us to be removed from what is entrenched in law, and in effect

being put like a baby in a basket at the doorstep of an individual municipality and hope for the best.

Clearly, the choice of options — if one of the considerations is, “What is the most adroit way of dealing with this sensitive issue?” it is the route of clarity. We are concerned — and I think the track record is legitimately of concern — that individual agreements are not the way to go.

1710

Mr Colle: Thank you, Mr Saint-Aubin. I guess the frightening part is that there are over 90 municipalities that have passed resolutions or certainly introduced resolutions making themselves unilingual. I think we're really into creating a checkerboard sort of justice system, and even though it's at a lower level of offences, it is a very dangerous area to delve in, especially when we don't have to. I hope the government is not serious about not amending this act to ensure fundamental language rights.

My question is, do you support the amendment? Are you aware of the amendment that the association de juristes put forth this morning in terms of their amendment? Would that satisfy the Canadian Bar Association? I don't know if you're familiar with the amendment they are proposing.

Mr Saint-Aubin: I don't necessarily have the exact wording but certainly the first priority of the CBAO is to maintain existing language rights and make the legislation subject to them. We certainly endorse that position if that is the position of l'AJEFO.

The subsidiary position, if it need absolutely be second best — and it would certainly be second best — is that the province at the very least pursue these individual agreements with municipalities. But that is not a first choice; it's a last resort.

Mr Keith: Mr Chair, if I might just pick up on one of Mr Colle's comments, and that is, even at this low level of the administration of justice, I think all studies have shown in any jurisdiction that citizens come into contact with the administration of justice at that level for the most part, and coming into contact with the administration of justice in this province shouldn't underline that it is a unilingual system. It's not. We have that established now under the Courts of Justice Act and under the French Language Services Act.

I simply wish to draw attention to the fact that we're talking about an important public service and an important level of interaction between the provincial government, its administration of justice and the citizens whom it's there to serve.

Mr Kormos: I should indicate that we're in agreement with AJEFO and yourselves, with a common submission. AJEFO's amendment seems to be very broad and an effort to be all-encompassing, to avoid, I presume, effectively, loopholes through it or means of arguing one's way through it.

I agree with you. I suppose I was pleased with the response of the city of London to the question put with respect to the comments made in the very first part of their submission. They did not express a position that was anti-utilizing French language but simply appeared to want to have some certainty. That leaves me with the

conclusion that the bill, as it stands — because there might be some who are going to argue that the bill implicitly requires that those delegated powers — it implies that Bill 8 attach to them.

I suggest not, especially when you get down to section 169, which is the no-agency section of the bill, which creates that clear schism, a broad schism between the municipality doing prosecutorial AG type of duties and the AG. I want to follow that more with Mr Flaherty.

I appreciate Mr Flaherty's argument about municipalities: “Oh, one wouldn't expect them to deny the interests of a number of their constituents.” In most communities where I come from, in Niagara, Welland, there's a strong francophone community. It's a Bill 8 community of course, but almost inevitably, at least in southern Ontario, and even throughout most of the north, a minority.

Second, clearly for the government of Ontario it wasn't sufficient to merely rely upon their goodwill to provide French-language services. That's why tripartite support existed for Bill 8. I fear there is an anti-francophone bigotry in this province which remains, which rears its head from time to time and exploits scenarios when that movement — and it is a movement; I believe that — seems most appropriate. I think it's imperative that the government build this into the statute.

I should indicate that the deadline for submission of amendments will in all likelihood be May 7 at 12 noon. I would ask that you take a look at the AJEFO proposal and, please, if you have views about a more appropriate amendment, I trust you would offer them up to all three parties. I'm confident that the opposition parties would table them on your behalf. I think it's important to have those on the table for discussion during clause-by-clause. I'd ask you to consider the AJEFO proposal, and if there are improvements and variations that you would consider, present those as well. I appreciate very much your participation.

The Chair: Gentlemen, I think we've run out of time. Thank you very much for coming this afternoon and putting your views forward to the committee. That concludes the delegations this afternoon.

APPOINTMENT OF SUBCOMMITTEE

The Chair: There's one item we could discuss before we recess until next week, and that is the topic of a business subcommittee.

Mrs Munro: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee; that the presence of all members of the subcommittee is necessary to constitute a meeting and that the subcommittee be composed of the following members: Mr Tilson, Mr Gilchrist, Mr Marchese and Mr Sergio; and that any member may designate a substitute member on the subcommittee who is of the same recognized party.

The Chair: Is there any discussion? Any comments? All those in favour? It is carried.

We stand recessed until next week, May 8, at 10 o'clock.

The committee adjourned at 1718.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président: Mr David Tilson (Dufferin-Peel PC)

Vice-Chair / Vice-Présidente: Mrs Julia Munro (Durham-York PC)

Mr Mike Colle (Oakwood L)
Mr Harry Danford (Hastings-Peterborough PC)
Mr Carl DeFaria (Mississauga East / -Est PC)
Mr Ed Doyle (Wentworth East / -Est PC)
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Mr Rosario Marchese (Fort York ND)
Mrs Julia Munro (Durham-York PC)
Mr Mario Sergio (Yorkview L)
Mr R. Gary Stewart (Peterborough PC)
Mr David Tilson (Dufferin-Peel PC)
Mr Len Wood (Cochrane North / -Nord ND)

Substitutions present / Membres remplaçants présents:

Mr Toby Barrett (Norfolk PC)
Ms Annamarie Castrilli (Downsview L)
Mr Ted Chudleigh (Halton North / -Nord PC)
Mr Jim Flaherty (Durham Centre / -Centre PC)
Mr Ernie Hardeman (Oxford PC)
Mr Peter Kormos (Welland-Thorold ND)
Mr Bart Maves (Niagara Falls PC)
Mrs Lillian Ross (Hamilton West / -Ouest PC)
Mr Frank Sheehan (Lincoln PC)
Mr Joseph N. Tascona (Simcoe Centre / -Centre PC)

Also taking part / Autres participant(e)s:

Mr John Gerretsen (Kingston and The Islands / Kingston et Les Îles)

Clerk / Greffier: Mr Tom Prins

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of Ontario**

First Session, 36th Parliament

**Assemblée législative
de l'Ontario**

Première session, 36^e législature

**Official Report
of Debates
(Hansard)**

Thursday 8 May 1997

**Journal
des débats
(Hansard)**

Jeudi 8 mai 1997

**Standing committee on
general government**

**Comité permanent des
affaires gouvernementales**

**Streamlining of
Administration of
Provincial Offences Act, 1997**

**Loi de 1997 simplifiant
l'administration en ce qui a trait
aux infractions provinciales**



Chair: David Tilson
Clerk: Tom Prins

Président : David Tilson
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LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON
GENERAL GOVERNMENT

Thursday 8 May 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO
COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Jeudi 8 mai 1997

The committee met at 1004 in committee room 1.

STREAMLINING OF ADMINISTRATION
OF PROVINCIAL OFFENCES ACT, 1997

LOI DE 1997 SIMPLIFIANT
L'ADMINISTRATION EN CE QUI A TRAIT
AUX INFRACTIONS PROVINCIALES

Consideration of Bill 108, An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration / Projet de loi 108, Loi traitant des poursuites concernant certaines infractions provinciales, réduisant le double emploi et simplifiant l'administration.

The Chair (Mr David Tilson): I call the meeting to order. It's after 10, notwithstanding what the clock on the wall says. The clerk advised me that clock is slow and it's in fact 10:04. I see a quorum.

This is the standing committee on general government. We're dealing with Bill 108, which is An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration. The topic this morning is the clause-by-clause consideration. I trust members of the committee have received the package of proposed amendments by the different caucuses. There's a package where the pages are numbered, and I will refer to those as pages 1, 2 and so on.

The first proposed amendment is by the Liberal caucus, which is page 1.

Ms Annamarie Castrilli (Downsview): I move that part X of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be amended by adding the following section:

"Definition

"161.1 In this part,

" 'municipality' means a local municipality as defined in the Municipal Act."

The Chair: Do you have a rationale or do you wish to make some opening comments?

Ms Castrilli: It's very simple. I think it's probably an oversight in terms of the legislation. It's really for clarity more than anything else and to be consistent with existing legislation dealing with municipalities. It's just by way of clarification and to make it crystal clear what is intended by "municipality" under the act.

The Chair: Further comment?

Mr Jim Flaherty (Durham Centre): We're going to oppose the amendment. The Municipal Act defines "local municipality" as a city, town, village or township. This motion could exclude all other levels of government from participating in the transfer of Provincial Offences Act responsibilities. In the conversations we've had with the

municipalities, the government has emphasized the need for a flexible, fair and open selection process for all levels of municipal government.

The Chair: Further debate? Seeing none, all those in favour? All opposed? The motion is defeated.

Page 2 is a government application.

Mr Flaherty: I move that section 165 of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be struck out and the following substituted:

"Collection and enforcement

"165(1) When an agreement under this part is in force, the municipality has power to collect fines levied in respect of proceedings under parts I, II and III, including costs under section 60, surcharges under section 60.1 and fees referred to in section 66.2, and to enforce their payment; collection and enforcement shall be carried out in the manner specified in the agreement.

"Contraventions Act (Canada)

"(2) Subsection (1) also applies to fines and fees imposed under the Contraventions Act (Canada).

"Non-application of s.69(6-21)

"(3) Subsections 69(6) to (21) do not apply to fines that are governed by the agreement.

"Fines etc, payable to municipality

"(4) Fines that are governed by the agreement are payable to the municipality and not to the Minister of Finance.

"Payments to Minister of Finance

"(5) The municipality shall pay to the Minister of Finance, at the times and in the manner specified in the agreement, amounts calculated in accordance with the agreement, in respect of,

"(a) surcharges collected by the municipality under section 60.1;

"(b) other fine revenues collected by the municipality that constitute money paid to Ontario for a special purpose within the meaning of the Financial Administration Act;

"(c) costs the Attorney General incurs for adjudication and prosecution, for monitoring the performance of the agreement and for enforcing the agreement; and

"(d) fines and fees imposed under the Contraventions Act (Canada) and collected by the municipality.

"Exception, federal-municipal agreement re parking fines and fees

"(6) Despite clause (5)(d), fines and fees imposed under the Contraventions Act (Canada) in relation to the unlawful parking, standing or stopping of a vehicle and collected by the municipality shall be paid in accordance with any agreement made under sections 65.2 and 65.3 of that act.

"Payments to another municipality

"(7) The municipality acting under an agreement under this part shall pay to another municipality,

"(a) the amount of any fine collected by the municipality that was imposed for a contravention of the other municipality's bylaw;

"(b) the amount of any fine collected by the municipality that was imposed for a contravention of a provincial statute and that would, except for the agreement, be payable to the other municipality; and

"(c) the amount of any allowance retained by the municipality that would, except for the agreement, be payable to the other municipality under a regulation made under clause 20(1)(g).

"Retention of balance

"(8) Despite the Fines and Forfeitures Act, the municipality is entitled to retain, as a fee, the balance remaining after payment under subsections (5) and (7).

"No other charge

"(9) The municipality shall not collect any other charge for acting under an agreement under this part, except with the Attorney General's written consent, obtained in advance.

"Disclosure to consumer reporting agency

"(10) When an agreement under this part applies to a fine, section 69.1 applies to the municipality in the same manner as it applies to the Ministry of the Attorney General.

"Exception, transitional period

"(11) Despite subsection (4), while a regulation made under clause 173(b) is in effect, fines that are governed by the agreement remain payable to the Minister of Finance, who shall,

"(a) calculate and retain the appropriate amounts under subsection (5);

"(b) make any payments required by subsection (7); and

"(c) pay the balance remaining to the municipality in accordance with subsection (8)."

1010

The Chair: Do you have any opening comments?

Mr Flaherty: By way of background, section 165 has been rewritten to incorporate a number of technical amendments, as well as to clarify the intent of Bill 108.

Subsection 165(1) contains two changes. First, the words "levied in respect of proceedings" have been added to clarify that fines are imposed under other parts of the Provincial Offences Act and not under parts I, II, or III. In fact, parts I, II and III of the act describe how charges are laid and processed through the court system. By adding these words "levied in respect of proceedings" the section is clarified without affecting a municipality's power to collect fines imposed.

Second, the reference to costs under subsection 60(3) has been replaced by making reference to "costs under section 60." A municipality requires authority to collect all fines, fees and court costs. The Provincial Offences Act allows for court costs to be imposed under subsections (1) and (2) of section 60, and not just subsection (3). By referencing all provisions of section 60, municipalities can be assured of their authority to collect all fine revenue, including court costs.

Subsection 165(2) is unchanged.

Subsection 165(3) is unchanged.

Subsection 165(4) deletes the words, "Unless a regulation made under clause 173(b) provides otherwise," because transitional provisions for fine collection are now dealt with in a new subsection 165(11). The change does not affect a municipality's ability to collect fine revenue.

Subsection 165(5) contains an amendment which responds to a concern raised by municipal representatives at the public hearings before this committee on May 1. Municipalities were concerned that they will have to pay amounts to the province before they have collected the fines from offenders. This amendment addresses that concern. Clauses (a), (b) and (d) have the added words "collected by the municipality." This clarifies that municipalities will only be required to make payments to the province after the fine has been collected from the offender.

Subsection 165(6) is a new section regarding parking infractions on federal lands that also addresses a concern raised by some municipalities. This subsection requires municipalities to remit federal parking fines under the Contraventions Act (Canada) in accordance with any federal-municipal agreement. The administration and prosecution of federal parking contraventions will be governed by separate federal-municipal agreements. Those agreements are not part of the transfer of Provincial Offences Act responsibilities, and this amendment ensures that those separate agreements are not affected by Bill 108.

Subsection 165(7) is a new section that ensures that Bill 108 does not abrogate a municipality's existing entitlements to bylaw and other source fine revenue. The Municipal Act provides that fines from contravention of municipal bylaws belong to the municipality that enacted the bylaw. Certain provincial statutes such as the building code also provide fines that go to the enforcing municipality.

Subsection 165(8) is a renumbering. This is the former subsection 165(6) and is unchanged.

Subsection 165(9) has added the words "under this part" to distinguish between an agreement between the Attorney General and a municipality and a federal-municipal agreement referenced in subsection 165(6).

Subsection 165(10) is a new section that ensures that municipalities have the authority, required by FOI legislation, now vested in the Attorney General, to enforce payment of fines. Under this amendment, the municipality will have the ability to disclose to a consumer reporting agency the name of an offender who has defaulted in the payment of a fine.

Subsection 165(11) is also a new section. This is a technical amendment which preserves municipal entitlement to net fine revenue. For a transitional period, due to technological and other operational considerations, fine payment shall continue to be paid to the Minister of Finance, who will remit net fine revenue to the municipality. The Attorney General will make regulations under section 173 of the bill to provide for the transition.

That is the rationale for the amendment proposed.

The Chair: Debate, comment?

Ms Castrilli: Generally we're in agreement with the thrust of this amendment. It certainly clarifies some of the intentions of the bill and, more particularly, it addresses a lot of the concerns municipalities have brought to us and is in fact consistent with some of the motions we've put forward.

There are a couple of concerns that I would raise. Municipalities have said to us they want to be very sure that what they're going to pay to the Minister of Finance are moneys they've actually collected and they're not liable for fines that have not been collected and indeed fines that have remained outstanding under the Provincial Offences Act prior to any memorandum of agreement that they enter into. So we're glad to see that some of those are addressed.

But we do have concern around what the transitional period would be, and perhaps the parliamentary assistant could be of assistance here, since subsection (11) is a new section. This is a provision that is intended to be there for some period of time. It's not clear what that period of time will be and when in fact the municipalities will have power to deal with the payments they collect.

The Chair: Perhaps for the record you can identify yourself.

Ms Sandra Tychsen: My name is Sandra Tychsen, and I'm the project director of the provincial offences transfer project. The transitional period will be possibly up to a few months, and it involves us making sure that any of the systems linkages can be appropriately and smoothly revised in order to have payments as they are now recorded on our computer system revised so that those payments can be directed to municipalities.

Ms Castrilli: If I might, Mr Chair, I'm still not clear as to how this transitional period will be defined. Is this going to be a blanket transitional period that the Attorney General will put in place? Is it something that's going to be negotiated by memorandum of agreement? If so, I think that should be spelled out in the legislation. Could we get some clarification on that? I understand what the transitional period does. I'm not clear how you define "transitional period" and how you set the limits of the transitional period.

Mr Flaherty: As has been indicated, it's anticipated that the transitional period would be a matter of a few months.

Ms Castrilli: Again I'm not clear. Who determines what the transitional period is? If it's going to be part of the agreement between municipalities and the Attorney General, I would think you'd want to spell that out, that the transitional period would be defined by whatever agreement is entered into by the Attorney General and the municipalities. I imagine it might be different from municipality to municipality, but we have no indication of that.

Mr Flaherty: As the member knows, because you've been here during the hearings, there's involvement perhaps of groups of municipalities. I think the most accurate answer I can give you is that the transitional period will be as short as practicable.

Ms Castrilli: I wonder if the Chair would entertain a friendly amendment to indicate that the transitional period would be set out in any agreement with the municipality or groups of municipalities.

1020

The Chair: Mr Flaherty, do you consent to that?

Mr Flaherty: I'd just add that the municipalities want to make sure they get this right from their perspective too. They are concerned that sufficient time be allowed to get it done right, and that time will be taken.

The Chair: Ms Castrilli, it appears you're not going to get a friendly amendment. If you wish to make a formal amendment, it would appear you'd have to formally make that.

Ms Castrilli: I will move an amendment that the transitional period, as set out in subsection 1(2), subsection 165(11), be defined to state that it's a transitional period as defined in any agreement which is entered into by the Attorney General and municipalities or group of municipalities.

The Chair: Do the members understand the amendment? Any concerns? Then it appears we're now talking about an amendment to the amendment.

Ms Castrilli: Quite simply, for greater certainty for municipalities, it would be helpful to have municipalities have a say as to what that transitional period is and in fact have the Attorney General and the municipalities negotiate the appropriate period of time during which these particular rules will come into play. I would imagine it would be in everyone's best interests to have things spelled out as clearly as possible at the beginning.

One of the concerns we've heard from municipalities is that there are too many unknowns in this legislation; this would certainly eliminate one unknown in the legislation. I think it would actually strengthen the legislation as currently presented.

The Chair: Debate?

Mr Flaherty: I should point out that the amendment actually makes it clear that the municipalities receive the revenues during the transitional period, which is surely in the fiscal interests of the municipalities. As I said earlier, and I'll just repeat briefly, the important thing is to get this right, not only from the Attorney General's perspective but also from the municipalities' perspective. The municipalities need sufficient time, as does the Attorney General, during the transition period to make sure they are getting this right. To arbitrarily impose some sort of timetable on municipalities and/or the Attorney General is not in the best interests of the administration of justice in the province.

Mr Rosario Marchese (Fort York): I hate to disagree with Ms Castrilli, but this is an example of where Mr Flaherty seems to make sense, and that scares me from time to time.

Mr Flaherty: Again.

Mr Marchese: This may be an instance where it seems that to have an agreement of that kind regarding the transitional period may be against the best interests of the municipality. Given that many municipalities are in fact in agreement with much of what is contained in this bill, it might be best to leave this transitional period to be sorted out by the various parties, provincial and municipal. It seems to me that is reasonable under the circumstances.

The Chair: Further debate?

Mr Mario Sergio (Yorkview): I just have a question on the main amendment by the government. To the parliamentary assistant, just for clarification, on the fourth line it reads, "When the Attorney General" — that is subsection 165(1), by the way.

Mr Flaherty: We're dealing with the amendment to the amendment.

The Chair: We're now on to your caucus' amendment, and I think we should stick to that, or are you getting to that?

Mr Sergio: No. My comment is on the main amendment by the government.

The Chair: I'd prefer we deal with the amendment to the amendment.

Mr Sergio: Carry on and come back to me.

The Chair: Then we can perhaps vote on that, and then if we have any further comment on the amendment, we can talk about that.

We're talking about the Liberal amendment to the amendment. Any other debate? Is everyone happy with the wording? Do they understand the wording? All those in favour? All those opposed? The amendment to the amendment is defeated.

We're now on to the government amendment.

Mr Sergio: I'm reading from the bill itself here. In the fourth line of subsection 65(1) it says, "under subsection 60(3)." Subsection (3) has been eliminated from the amendments by the government. Just for clarification, what is subsection (3), which has been eliminated by the government's amendment?

Mr Flaherty: May I have some assistance here?

Mr Sergio: That's fine, sure.

Mr John Gregory: My name is John Gregory. I'm general counsel with the Ministry of the Attorney General. Subsection 60(3) of the POA says, "Costs payable under this section shall be deemed to be a fine for the purpose of enforcing payment." In other words, it deals with the enforcement of costs but not the liability to pay costs. The intention of the act, of course, was to allow the municipalities to collect the costs and to receive them.

When we were reviewing the bill, it seemed what we should do is focus on the whole section. Subsection 60(1) says, "Upon conviction, the defendant is liable to pay to the court an amount by way of costs that is fixed by the regulations." So it's really the liability to pay that we wanted to pick up and transfer to the municipality. Subsection (3) simply deals with its enforceability without dealing with the liability.

So it's really a technical amendment to say, "What the municipality needs under the transfer in Bill 108 is that the liability to pay the costs be very clearly for the benefit of the municipality." If we say, "All right, you have the right under subsection 165(1) to collect costs under section 60," then we know we've got it. Subsection 60(3) struck us as too narrow. There's no difference whatever in the amount of money flowing; it's just more certain the money will flow.

Mr Sergio: Thanks for your explanation; we don't have it here. The way I see it, the municipality's power is being reduced in trying to collect those fees or charges. That's what I understand from this missing subsection (3)

here; it's not only to the charges but the ability of the municipality to collect.

Mr Gregory: As I read the amendment, it will include costs under section 60; that means all subsections of section 60. The original bill is more limited than the proposed amendment. The original bill included costs under subsection 60(3), which is only one part. The amendment now before the committee is including costs under all of section 60. So there's no limit whatever. Subsection 60(3) is still included. It's just that subsection 60(1), which is the liability, and subsection 60(2), which is a particular example of costs, are also included so that more is transferred to the municipality rather than less.

Mr Sergio: I'll take your explanation. So you're saying that the abilities of the municipalities are not limited to collect those fees?

Mr Gregory: That's right. Nothing in this amendment limits.

Mr Sergio: If that is the case, why wouldn't this be included in the government amendment?

Mr Gregory: Sorry. It is included in the government's amendment. The government's amendment says in subsection 165(1) that the municipality has the power to collect fines etc, including costs under section 60. That includes subsection 60(3); that's part of section 60. It's just broader. It's not taking away; it's giving more.

Mr Sergio: Are we saying, then, that subsection (3) was unnecessary before?

Mr Gregory: It should not have been limited to subsection (3) before.

Mr Sergio: Okay. I'll take your explanation.
1030

Mr Marchese: I'm not quite sure, not having been a member of this committee, whether this question applies to this particular area or some other area. Perhaps Mr Flaherty might just be helpful one way or the other.

I have an interest in knowing whether people have done a calculation of the estimated revenue and the cost to municipalities taking over the new functions. Have these been done or has this question been raised by anybody and have you dealt with it?

Mr Flaherty: In response to Mr Marchese's question, there was some discussion at the hearings, and as I indicated in the opening on behalf of the minister, the anticipated revenues are up to \$65 million. That was based on the statistics for the past fiscal year. I think we had 1995-96 here of \$100 million in revenue less expenses, yielding the figure of up to \$65 million.

Mr Marchese: That's the revenue?

Mr Flaherty: Net of cost, yes.

Mr Marchese: One of the concerns I have around this is that in the event that some municipality may be incurring costs greater than its revenues, I'm not sure, could a municipality opt out of this agreement?

Mr Flaherty: Yes. I don't know why a municipality would enter into an agreement in those circumstances. The bill does provide that a municipality can join another municipality or a group of municipalities and enter into it, but for a municipality to enter into an agreement where they would lose money under this legislation would be irresponsible, I would think.

Mr Marchese: So it's your sense that municipalities, of course, coming into such an agreement would have a full understanding of what they're doing.

Mr Flaherty: Yes, and the ministry is able to provide them with revenue figures because these aren't new offences that are being created here. The offences are being prosecuted now and fines are being levied now, so there's historical data that municipalities can have reference to when they decide whether they're going to enter into an agreement with the Attorney General.

Mr John O'Toole (Durham East): With respect to the question raised by Mr Marchese, in my understanding, just reading this very permissive legislation under 162 and 163, it's clear it's "may." They don't have to. So it's not really downloading; it's an opportunity for a different delivery model. Is that not true? Just for clarification to the parliamentary assistant, it's permissive, it's not —

Mr Flaherty: Yes.

Mr O'Toole: Very good.

Mr Marchese: I understood that. The same way that you can opt in, I was raising the question, could you opt out? That's all I was raising, and Mr Flaherty said, "Well, if they're opting in, if they know the figures, they're likely, with that knowledge, to understand what they're getting into." I understood.

The Chair: Other comments or questions? Then all those in favour of the amendment?

Mr Flaherty: The main amendment.

The Chair: The government amendment, Mr Flaherty, yes. All those in favour?

Interjection.

The Chair: You're right; I should have said "motion." All those in favour of the motion? All those opposed? The motion is carried.

The Chair: If the committee members would turn to page 5. I believe that is the next amendment or motion.

Ms Castrilli: We withdraw this motion in view of the previous motion which was carried.

The Chair: Withdrawn. Page 6, which is another Liberal motion.

Ms Castrilli: I move that section 165 of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be amended by adding the following subsection:

"Municipal use of money

"(6.1) Despite anything in the agreement or in any other act or regulation, the municipality has complete discretion to determine how it will use the balance retained under subsection (6)."

If I could just speak to that, this came through in the presentations that we had before the committee. In particular, the Association of Municipalities of Ontario was quite concerned that the MOU, the memorandum of understanding, should not restrict the use of net revenues. Again, I think this is in the nature of the qualification of the bill and something that the Association of Municipalities of Ontario felt reasonably strongly about.

The Chair: Questions? Debate?

Mr Flaherty: I'm going to oppose the motion. There's nothing in the bill that restricts the use of revenues by municipalities, so the motion is unnecessary. Bill 108 already gives municipalities the right to keep net revenue.

As the Attorney General stated in his speech to the Legislature on February 12:

"Bill 108 provides for participating municipalities to retain the net revenues from fines collected under the Provincial Offences Act. We estimate that up to \$65 million in revenue could accrue to Ontario municipalities. This new source of revenue could be spent on improving local services even after the costs of the new responsibilities are taken into account."

Mr Marchese: It seems to me that Mr Flaherty is agreeing with the intent or at least with what is being communicated through this motion. He's saying the municipalities can do that. This motion attempts to put in writing, I guess for more clarity, what Mr Flaherty just spoke to. If he agrees with it, then he shouldn't be disagreeing with the motion, it seems to me, given that he's saying the same thing.

The Chair: We'll soon find out if he agrees.

Mr Marchese: I guess not.

Mr Flaherty: A statement doesn't become more true because one says it twice. I'm going to oppose the motion.

The Chair: Okay. All those in favour? All those opposed? The motion is defeated.

Mr Marchese: There you go.

The Chair: Page 7, which is a Liberal proposal.

Ms Castrilli: I move that section 165 of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be amended by adding the following subsection:

"Municipal use of money."

Interjection.

Ms Castrilli: I'm sorry. My apologies. I'm on the wrong page.

The Chair: That's all right; I thought it was me.

Ms Castrilli: I thought it looked familiar.

The Chair: Page 7, I think.

Ms Castrilli: Subsection 166(1): I move that section 166 of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be amended by adding the following subsection:

"Same

"(2) Payments to the Minister of Finance under clause (1)(b) are required only in respect of amounts the municipality has actually collected."

If I might speak to that, this is consistent with an amendment that the government has brought in with respect to subsection 165, and it's intended to ensure that municipalities have no liability with respect to any moneys other than the ones they've actually collected. Again, it was assurances that were asked for by the presenters and it's not inconsistent with anything that has been presented by the government to date.

Mr Flaherty: I'm unclear as to where this amendment is supposed to go.

Ms Castrilli: You would, in fact, renumber 166, so it would be (1)(a), (1)(b) and there would be a new subsection (2). That's where it belongs, Mr Flaherty.

Mr Flaherty: We're going to oppose the motion on the basis that it is unnecessary. The present Bill 108, clause 166(b), provides that "the amounts collected are to be shared between the municipality and the Minister of Finance," pursuant to the agreements to be entered into.

The motion refers to amounts "actually collected" by the municipality and is repetitious of what is already in the bill, which already deals with amounts collected.

1040

The Chair: Ms Castrilli?

Ms Castrilli: I have already stated the case.

The Chair: Thank you. Further debate? All those in favour of the amendment? All those opposed? The amendment is defeated.

We are now on to page 8, which is a Liberal motion.

Ms Castrilli: I move that paragraph 4 of subsection 167(1) of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be struck out and the following substituted:

"4. The municipality may assign, to a municipal employee or to any other person, a function that the agreement gives to the municipality."

This would broaden the assignment to just not municipal employees but anyone the municipality felt was appropriate to perform the functions given under this particular subsection. It's a flexibility that many of the presenters wanted. Since one of the stated aims of this legislation is to provide as much flexibility as possible, I think you would want to leave it to the municipalities to determine who should perform the particular functions that are stipulated under the act and would be continued under the memorandum of agreement.

Mr Flaherty: I am going to oppose the motion on the basis that the amendment is not required. The Attorney General is responsible for the administration of justice in Ontario and must ensure that standards are upheld. It is necessary to strike a balance between the municipalities' needs for flexibility and the Attorney General's legislated responsibility. Establishing and maintaining the standards-setting link set out in paragraph 167(1)4 provides this balance.

We believe that the assignment authority which is proposed in the motion is addressed in our government motion on page 12, subsection 174(1), which allows a municipality to assign to any person a function, but with the Attorney General's prior written consent, which is the protection for the Attorney General's power to maintain standards for the administration of justice. For those reasons, I oppose the motion.

Ms Castrilli: I appreciate the parliamentary assistant's position. It is, however, not consistent with what people in the field are saying. I would remind him that the Association of Municipalities of Ontario, the city of London and the town of Orangeville all requested the flexibility that is here. It would seem appropriate under the circumstances, in a piece of legislation that is required to make life as easy as possible for municipalities as they take over this onerous responsibility, to amend the legislation to allow them to perform their functions to the best of their abilities.

Mr Flaherty: I don't think the honourable member and I have any disagreement in principle with respect to the assignment by municipalities.

Ms Castrilli: Delighted to hear it.

Mr Flaherty: The difference is that we believe the Attorney General must retain responsibility for setting standards for the administration of justice and therefore

must retain the power to consent or not to consent to such an assignment. That is the difference between the position you're advocating and the position we maintain on behalf of the administration of justice in the entire province.

Mr Marchese: This interests me because I have often been worried about the Conservative government's desire to download and offload things to municipalities and about how standards are being maintained or kept provincially. I have noticed that this government sometimes isn't interested in that particular area of provincial standards. I note with interest that Mr Flaherty is upholding this notion of keeping provincial standards related to this bill. In this regard, I support that because I worry about provincial standards being upheld and maintained. Making sure the province has an area of control in this regard is not a bad thing. I want to congratulate the government for worrying about provincial standards, at least in particular areas.

The Chair: Further debate? We will vote on the motion. All those in favour? Opposed? The motion is defeated.

The next two amendments are similar, but I believe the government motion is a little more specific and we will deal with it first.

Mr Flaherty: I am impressed, of course, by Mr Marchese's conversion this morning, reminiscent of St Paul on the road to Damascus.

The Chair: I know you like him, but let's proceed with the amendment please.

Mr Flaherty: In order to emulate that spirit, I propose not to proceed with the government motion on page 9.

The Chair: We will proceed to page 10.

Ms Castrilli: I was hoping to vote on the government motion, but I am delighted to deal with our Liberal motion with respect to this.

The Chair: I am really enjoying this committee, Ms Castrilli.

Ms Castrilli: I am delighted you are, Chair. We're trying to do our best.

I move that subsection 1(2) of the bill be amended by adding the following as section 169.1 of the Provincial Offences Act:

"Protection from personal liability

"169.1(1) No proceeding shall be commenced against any person for an act done in good faith in the performance or intended performance of a function under an agreement under this part or for an alleged neglect or default in the performance in good faith of such a function.

"Municipality not relieved of liability

"(2) Subsection (1) does not relieve a municipality of liability in respect of a tort committed by a person referred to in subsection (1) to which the municipality would otherwise be subject."

The reason for this particular amendment is to have it clearly understood that municipalities, as long as they are acting in good faith, will not be liable. They are, of course, not absolved of any action that is committed outside of the act and of any tort that is committed.

This is consistent with what was asked of us by most of the presenters and it is also consistent with other

legislation we have. It establishes a good-faith test that is reasonably understood in law. I think this was probably an oversight on the part of the government. I don't understand why they withdrew their motion, but here's ours.

Mr Flaherty: There is a difference in wording between the motion which I withdrew and this motion, although they are similar. I support the Liberal motion because we agree in principle with the position it advances. I would say, though, that it is not — I say this respectfully — accurate to say that the proposed motion would relieve municipalities of responsibility. It does maintain, as set out in the motion, that municipalities are responsible for the torts of persons. Having said that, I support the Liberal motion.

Ms Castrilli: Let me just clarify: I was not indicating that this motion in any way resolved the issue of wrongdoing on the part of municipalities at all. Subsection (2) is very clear to that point, that there would be a continuing liability on the part of municipalities for wrongful actions.

The Chair: Further debate? All those in favour? The motion is carried.

We are on to page 11, which is a government motion.
1050

Mr Flaherty: I move that clause 173(b) of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be amended by striking out "fees" in the first line and substituting "fines."

This is a drafting improvement that supports the intent of Bill 108 by replacing the word "fees" with the word "fines." The amendment ensures consistency throughout the bill, since "fines" includes "fees."

Ms Castrilli: I think this is a vast improvement in the bill. I have no objection.

The Chair: Further questions, debate? All those in favour? The motion is carried.

Page 12 is a government motion.

Mr Flaherty: I move that section 174 of the Provincial Offences Act, as set out in subsection 1(2) of the bill, be struck out and the following substituted:

"Delegation

"174(1) Subject to subsection (2), a municipality has power to assign to any person a function that an agreement under this part gives to the municipality.

"Attorney General's consent

"(2) An assignment to a person other than the municipality's employee requires the Attorney General's written consent, obtained in advance.

"Group of municipalities

"175. An agreement under this part may also be made with two or more municipalities, and in that case sections 162 to 174 apply with necessary modifications."

We've had some discussion relating to assignment by municipalities of duties this morning and the government's position that the Attorney General should, for the purpose of standards preservation, have the right to withhold or grant his or her consent to such assignments.

Section 174 is a new section. This amendment authorizes municipalities to delegate functions given under a transfer agreement. The delegation can be made to municipal employees and to others with advance, written consent of the Attorney General. This amendment

responds to the municipalities' need to achieve efficiencies in service delivery and the flexibility to structure their proposals in a way that will meet the unique needs of local communities.

Ms Castrilli: In the spirit of cooperation that is prevailing here this morning, let me say that this is one motion that we agree with. In fact, it is part of what we were trying to say under 166, to give municipalities the freedom to assign to the appropriate individual or individuals the duties under this particular legislation. I actually commend the government on this particular motion and wish that they had supported ours on 166.

Mr Terence H. Young (Halton Centre): The record should show that Parliament's working.

Mr Marchese: Don't get carried away.

Ms Castrilli: The record always shows that.

Interjection: We'll remember what you say.

The Chair: All those in favour? The motion is carried. Page 13 is a Liberal motion.

Ms Castrilli: I move that subsection 1(2) of the bill be amended by adding the following as section 175 of the Provincial Offences Act:

"Language rights preserved

"175. Any delegation of power to a municipality under this act shall not be construed so as to abrogate or derogate from existing language rights, including those rights recognized by the Canadian Charter of Rights and Freedoms, the Official Languages Act (Canada), the French Language Services Act (Ontario) and the Courts of Justice Act (Ontario)."

This is quite a substantive motion that I hope the government will take very seriously.

The Chair: Before we proceed on that, Ms Castrilli, I'd like you to help me with whether or not the motion is in order. Can the province bind the federal government?

Ms Castrilli: We had anticipated that you might raise that question. This was the motion as was presented to us by the Association des juristes d'expression française de l'Ontario and we felt it was important to put it in exactly as they had set it out. It is of course the French Language Services Act (Ontario) and the Courts of Justice Act (Ontario) which the province has jurisdiction of, and I'd be quite happy to have the motion read simply the "French Language Services Act (Ontario) and the Courts of Justice Act (Ontario)."

I'm deleting, therefore, I should add for clarity, "the Canadian Charter of Rights and Freedoms and the Official Languages Act (Canada)," although of course those are pieces of legislation that prevail over the province as well.

The Chair: If you could proceed with your rationale to your motion.

Ms Castrilli: As I had started to say, this is quite a substantial motion. At the moment the francophone population of Ontario has the right to access the courts — anybody in Ontario, quite frankly, has the right to access the courts — in either official language in designated areas; that is, where the population warrants as defined under the French Language Services Act.

Municipalities are exempt from that particular requirement from that legislation, this has no application to the municipalities, and this particular legislation does not

make it clear that municipalities have an ongoing responsibility with respect to the rights of a significant portion of our population.

This is an amendment that was requested by the Association des juristes d'expression française de l'Ontario. I think they made a very powerful argument that not to include this in legislation would deprive a significant number of citizens of their current rights under the law in Ontario and in fact may be an infringement of their rights as they exist in Ontario.

I would hope the government would view the wisdom of this amendment and state for the record in the legislation that it is critical that the rights that currently exist for residents of Ontario are not diminished by this particular piece of legislation.

The Chair: Just for the record, members of the committee, it's my understanding that Ms Castrilli has made a new motion from that which is printed on page 13 and that the words "the Canadian Charter of Rights and Freedoms and the Official Languages Act (Canada)" have been deleted from the original printed motion.

Having said that, further debate?

Mr Marchese: I would like to hear from Mr Flaherty, because we have a similar motion, as you know, on the next page. The language is slightly different, but it's a similar one and I have serious concerns about the government and what they are planning or not planning to do with this particular issue. I would like to hear his arguments before I move my motion.

Mr Flaherty: This is an issue that was canvassed in the hearings. I listened carefully and had, I thought, some useful discussion with the representatives of the association and also with those who presented on behalf of the Canadian Bar Association on this issue.

Nothing in Bill 108 affects the Courts of Justice Act. This act protects French-language rights for court proceedings and will continue to apply in all areas of the province. Trials will still be offered in French.

The amendment is not required. We will make our best efforts to work with the municipalities to ensure that the transfer agreements reflect their communities' needs. Currently, many municipalities provide services in French where there is a local demand. This government believes that municipal governments are capable and responsive to the needs of the citizens in their communities. We are confident that they will ensure the successful transfer of the administration and prosecution of provincial offences. As responsible government partners in the administration of justice, we are certain that municipalities will ensure they are meeting the needs of the members of their communities. Legislation may not be the most appropriate means of achieving an appropriate and efficient service level. For those reasons, I oppose the motion.

The Chair: Further debate?

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Mr Marchese: I'm a bit disappointed with that. We have seen some municipalities, like in Sault Ste Marie, where some of these places want to declare themselves unilingual, which clearly worries me about what municipalities may or may not be doing and the kind of culture they may want to perpetuate.

Mr Flaherty argues that the municipal government is capable of responding to people's needs. If that were so, I'm not quite sure why we have the French Language Services Act to begin with. It is clearly there for a purpose. It's there to be proactive as a government in terms of assuring and ensuring that we have French-language services across the province where it is clearly in demand or necessary. With what Mr Flaherty is saying, we would not have needed the French Language Services Act, and it is because of that that we need the protections that are there. This bill does not apply to municipalities, so I am quite frankly worried about the kinds of agreements that this province might get into with —

The Chair: Sorry. This bill does not apply to municipalities or these pieces of legislation do not apply to municipalities?

Mr Marchese: Bill 108 does not apply to municipalities, so when we transfer or release to municipalities responsibility for the administration and prosecution of these offences, there's no guarantee that these services would also be offered in French. We believe that to be true, and we are worried.

I don't quite understand why the government cannot simply include a clause that maintains existing language rights. We have it now. We include language that maintains that and then we have no disagreement and we need not work out anything between us and municipalities; it simply maintains what we've got.

Why the government would be proactively undermining those rights is beyond my understanding. If we have it in place now, continue your proactivity as a government to maintain language rights. If you do not, you are intentionally or unintentionally eroding those basic rights. I'm very concerned that this government is conscious of what it's doing, and if it's doing it consciously, I have a serious problem with it. If it's a misunderstanding or an oversight or they think somehow we might be able to work it out, I just don't believe that judgement in relation to this issue is a wise approach to take.

I urge Mr Flaherty to reconsider this or stand it down if he needs some time to reflect on it with his members, but I believe he's going on the wrong track if he pursues this course.

Ms Castrilli: I'm more than disappointed; I'm absolutely shocked at the government's stance on this particular issue. We have current legislation that gives language rights to a significant portion of our population. This legislation will have the effect of potentially disfranchising a significant part of our population and of leaving them with limited access to the courts. I think it's in violation of the current legislation that we do have with respect to language rights.

I'm curious why the parliamentary assistant believes they can deal with this — his words — through the best efforts that they can make under the memorandum of agreement. If it is your intention to give language rights, to continue language rights in Ontario, then clearly say so. Why would you rely on best efforts under a memorandum of agreement? Why would you jeopardize the rights of citizens and residents of this province? I find that totally beyond comprehension. These are rights that we have felt as a province were worthy of protection. We

have enshrined them in legislation, and then we are willy-nilly ignoring that legislation through a back door in Bill 108. That's certainly not acceptable, and certainly best efforts in a memorandum of understanding is not acceptable.

Mr Flaherty: It appears we may have a different view with respect to the degree of responsiveness and responsibility of municipalities in the province. I noted during the hearings, as I am sure the members who are present noted, the comments by the representative of the regional municipality of Ottawa-Carleton who was here to the effect that they would meet the language service needs of the members of their community. He said that without hesitation. That is again an indication of the responsible attitude that municipalities, I am sure, would take to this subject.

The Chair: Let's try Mr Colle.

Mr Mike Colle (Oakwood): I was here during the deputations and you had the Canadian Bar Association, Mr Saint-Aubin, representing. They were unequivocal. The Canadian Bar Association was unequivocal in condemning this act's basically regressive intentions of eliminating basic rights of Ontarians before the courts in an ad hoc fashion. They were unequivocal in saying that is what 108 is doing, that Ontarians have these rights of language before the courts of the Ontario government.

By now entering into this agreement with municipalities, you are saying that these agreements will not have these rights. It is on an ad hoc basis, leaving it up to individual municipalities to decide whether or not they're going to enter into agreements and have these rights in each individual agreement. It's going to be a check-board, hodgepodge, ad hoc delineation, granting of rights.

This is fundamentally wrong because it contravenes the basic premise of equal rights before the courts. The Canadian Bar Association representative said that. The francophone jurists were unequivocal in saying, "Why are you doing this?" It is not right to basically leave it up to individual municipalities because you are going to get certain municipalities that are going to choose not to include these basic language rights in prosecution, in the administration of the courts, because they're going to be down at the local level.

It is just mind-boggling to try to figure out the government's rationale. Is it the cost you're worried about? Is it the political fallout you're worried about, that some municipalities have taken these unilingual stands in the past? Where does the opposition come from to giving people basic rights before the courts which they now enjoy throughout Ontario? Why on God's earth would this government do this at this juncture? Where is the pressure coming from not to grant these basic language rights to Ontarians?

It is a regressive part of this legislation. By omission, by not giving francophone Ontarians equal rights before the courts when these are transferred to local municipalities, you as a province are basically saying: "We don't care what you do at the local level. It's up to them." And you know what's going to happen. There are going to be a lot of municipalities that are going to basically disallow Ontarians the right of due process in their own language. That's what you're doing.

This is a good bill which I think addresses the issue of letting local jurisdictions deal with local issues under the Provincial Offences Act. It is answering something that people have asked for for years. But by not giving these rights across the province and by basically allowing these rights to be abrogated in this bill, you are essentially making a good bill a very bad bill and it's setting a very dangerous precedent. As you're devolving a lot of responsibilities down to the local level, if you don't keep basic standards like language rights in this devolution process, and the most fundamental of all processes, the right to be heard in your own language, I think it really again is frightening.

What is the rationale here, and who is motivating this omission of basic rights? Again I am just echoing the very firm concerns raised by the deputants before this committee last time we met, where they said: "You have to include this. By not including it, you are basically putting people on a Russian roulette type of system, that depending on which municipality you live in, you're going to have the right to be heard in your language of choice."

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It was unequivocal. They asked for this amendment. In fact, the amendment we're putting forward here is essentially repeating that intention from the Canadian Bar Association and the francophone jurists, who said, "You must include this if you are going to essentially continue the basic rights Ontarians enjoy in other areas."

To do this is setting a dangerous precedent and I, for the life of me, cannot figure out where this is coming from. If you say, "We'll leave it up to the municipalities in good faith," some municipalities will do it in good faith. We heard Grant Hopcroft from London say they've got no problem with including the rights. He said they would do that. But there are going to be some municipalities which will not include those basic rights, and you know that.

You had over 90 municipalities say they want unilingual municipalities in this province. You know that some of those 90 will not give basic rights to people in their own language. That is what the provincial basic responsibility is, to put in standards and to put in basic protections. You're walking away from that responsibility and I think you're setting a very dangerous precedent if you don't support this amendment.

Ms Castrilli: Just a couple of points: All of the legal experts who came before this committee said this was a major shortcoming of this bill and that this particular motion was required to protect and continue the rights of the francophone minority in this province.

I just want to state for the record that the understanding the parliamentary assistant gave with respect to the position of Ottawa-Carleton is not entirely correct. Yes, they did say they would continue to provide French-language services, but in response to a specific question by me as to whether this particular amendment was one they could support and would welcome, they said yes. I wouldn't want the committee to be of the impression that Ottawa-Carleton was not in favour of this particular motion.

It is a critical portion of our submissions that we cannot ignore the rights of Franco-Ontarians. We have been warned that if we do so, we do so at our peril, that we will see litigation spawned as a result of that, particularly charter challenges which will be brought against the government. Why the government would want to expose itself to that kind of possibility is beyond me. Let's do the honourable thing, let's do the right thing, let's continue the protection that Franco-Ontarians have won and deserve in this province.

Mr Marchese: This is not a minor issue. This is serious. I am not quite sure that the government, through this committee and its parliamentary assistant, understands the import of the seriousness of this particular issue. You are intentionally, after having had this discussion, condoning the loss of existing language rights. If it were unintentional, it would have the same import, but this is very intentional because we're talking about it. Many have, in their deputations, expressed their concerns to you and we are expressing our concerns to you with respect to the setback for the francophone community in this province, the effect this bill would have on them.

I could understand if we were talking about "distinct society" language, because we know M. Harris is very concerned about that kind of language. We're not dealing with that at the moment, but by disregarding what we are moving here, both the Liberals and ourselves with our motions, you are in effect raising some very political sensitivities and raising political issues that I think Mr Harris would like to avoid.

We are entering into that field of federal elections where there are a number of problems we are dealing with with respect to the unity of this country, and this issue is a big one. Once it becomes very public to the general population in Ontario and beyond, we're going to have a political problem on our hands, it seems to me. You can easily correct it by including the language we are proposing.

I don't think it's a big problem for you as a government, given that these rights exist in law at the moment. You're not doing anything other than what is already practised in Ontario. Undoing that or doing something different that undermines existing language rights, you are putting yourselves and ourselves as a province and as Canadians in serious political jeopardy, I believe. It's not a small matter.

I'm surprised that some of you don't want to reflect on this in terms of either standing it down or coming back in the afternoon to give you time to reflect on this and to give you time to reflect with your Premier about whether or not he agrees with what you're doing. I can only assume that if you don't want to talk about it, your Premier has seen the effects of these changes and is in agreement with you, if we go through it in this way. If that's so, it's worse, because then the Premier cannot say he knew nothing about what this committee was doing. If you pass it in this way, you will have made him an accomplice to the work of this committee.

I believe, Mr Flaherty, this is a serious blunder that you're committing. The motion we're putting forth is a simple one and should not affect you, your party or many

municipalities which I think want to abide by the existing laws we have embraced. I urge you to reconsider this.

Mr Flaherty: I appreciate the comments by the opposition members. With respect to the Ottawa-Carleton submission, which was raised by Ms Castrilli, they said they wouldn't object to the amendment but they did make it clear that the legislation would not change the level of services they provide to their citizens in the regional municipality of Ottawa-Carleton.

I'm surprised by the comments of the member for Oakwood. We've listened to that member lecture us in the Legislative Assembly for weeks on the responsiveness and responsible behaviour of municipalities in Ontario, but today he changes his tune and the municipalities now become irresponsible and not responsive to the needs of their citizens.

It is important to note that Bill 108 does not affect basic rights before the courts, as Mr Colle said. It does not jeopardize trials in the French language on an ad hoc basis, as has been suggested, and it does not affect the right to be heard in court in one's own language, be it English or French. Section 126 of the Courts of Justice Act is not affected by Bill 108. Subsection (1) says, "A party to a proceeding who speaks French has the right to require that it be conducted as a bilingual proceeding." That is the law of the province of Ontario with respect to trial proceedings.

Nothing in Bill 108 affects the Courts of Justice Act. The Courts of Justice Act protects French-language rights for court proceedings and will continue to apply in all areas of the province.

Ms Castrilli: If that's the case, say so.

Mr Marchese: I'm still puzzled as to the objections by Mr Flaherty. My understanding is that municipal prosecutors, unlike provincial prosecutors, are not bound by Bill 8. Therefore, an accused who speaks French would be provided with a translator rather than a French-speaking prosecutor, as an example.

I'm not sure. On the one hand they talked about standards before, making sure we maintain provincial standards. The effect of our language around this particular motion, the effect of these motions that we have put forth is to ensure provincial standards around language rights. That's what I agreed on with Mr Flaherty earlier, on an earlier motion. The effect of our motion is to make sure that we ensure standards around language rights. It's as simple as that.

Why do we apply one standard in relation to one issue and then on the other we simply revert back to saying we should trust municipalities? I don't understand that. It seems to me inconsistent that he would argue differently depending on whatever issue they want to support or oppose. Why not maintain some consistency around this and ensure language rights are maintained, just to be sure? You have nothing to lose as a party in making sure that existing language rights are maintained. I don't understand the inconsistency here. Mr Flaherty, I'm quite puzzled by your answers.

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Mr Colle: Again in terms of municipalities, I think you're just trying to be very convenient for yourself. In this case here the government finds it politically advan-

tageous not to impose fundamental standards, so it's caving in, essentially, to people who may not want to have French language rights. You're finding it convenient to do this in this case here.

If you had some fundamental, basic precepts in terms of what is right and wrong, you would have listened to the Canadian Bar Association, which said you are taking away rights by not including this amendment in the bill. You were here when they told you that these basic rights of being heard under the Provincial Offences Act were now being jeopardized by not including these protections. The Canadian Bar Association said that to you, as did the francophone jurists. They presented a very detailed brief saying that you are jeopardizing rights for francophone Ontarians. That's what they said — it wasn't the members of the opposition saying that — but you refused to listen to them, for your own political convenience. That's what you're doing.

If you are so sure that these rights are being protected and not being hindered and that all the Courts of Justice Act provisions are in place, why don't you go along with this amendment? What is your agenda here? Why are you refusing to take that very direct advice from professional organizations which said Bill 108 is not protecting those basic rights as you devolve these provincial offences and their administration and prosecution down to the lower level? They told you some municipalities will not sign agreements that will include these basic rights, and they can opt out of those agreements for basic rights of language. You know that.

For this government to pretend it doesn't know that — sure, the Premier knows what's happening, because we know nothing goes to committee or goes through any kind of legislative amendment unless he and his office know about it. We know this is a very centralized government. Your own members have said that it's totally run out of the Premier's office. There are no illusions that he doesn't know about this. For him or you as the parliamentary assistant to pretend that you don't know what's at stake here is really hard to fathom. You've got it on the record that people are concerned about what this is doing, and not to include this amendment of basic language rights protection as you devolve this down to the lower municipalities is taking away a right.

Therefore, if you're saying the rights are there, support this amendment. Then there's no contradiction in what your position is. If you support French language rights all the way down to the Provincial Offences Act courts, go ahead and support this amendment. What is the problem with this amendment? Can you explain what it is? Is it the cost? Is it some kind of conflict with other legislation? Why are you afraid of just reaffirming those rights? Reaffirm those basic rights.

The Chair: I want to alert Mr Marchese that the next amendment is similar.

Mr Marchese: I realize that point.

The Chair: Any further questions or comments with respect to the Liberal motion? All those in favour?

Mr Marchese: Recorded vote, Mr Chair.

Ayes

Castrilli, Colle, Marchese, Sergio.

Nays

Danford, Doyle, Flaherty, Munro, Ross, Young.

The Chair: The motion is defeated.

Mr Marchese: In my motion the language is slightly different but the intent is the same. For the record, I would like to read:

I move that subsection 1(2) of the bill be amended by adding the following as section 175 of the Provincial Offences Act:

"Language rights preserved

"175. An agreement under this part does not affect existing language rights, including those recognized by the French Language Services Act and the Courts of Justice Act."

The Chair: Mr Marchese, I'm going to rule that this has been dealt with by the former Liberal amendment and is out of order.

We appear to have concluded the amendments with respect to section 1. Shall section 1, as amended, carry? All those in favour? Opposed? Section 1 is carried.

We will proceed to section 2. I believe we're on to page 15 of the package, which is a government motion.

Mr Flaherty: I move that clause 70(3)(c.1) of the Courts of Justice Act, as set out in section 2 of the bill, be struck out and the following substituted:

"(c.1) regulating the duties of municipal employees and other persons who act under the authority of agreements made under part X of the Provincial Offences Act."

The background of this is that clause 70(3)(c.1) of the Courts of Justice Act has been extended to include persons other than municipal employees who may perform court-related duties under a transfer agreement.

Ms Castrilli: We're in agreement with this motion and for exactly the same reasons. You'll see that the next motion to be presented is identical.

The Chair: I do. I see no further questions or requests for debate. All those in favour? That motion is carried.

Ms Castrilli: In light of the previous motion, we withdraw this particular motion.

The Chair: Shall section 2, as amended, carry? All those in favour? All those opposed? The section, as amended, is carried.

We are on to section 3. That would be page 17 of the package of amendments, which is a government motion for section 3.

Mr Flaherty: I move that the definition of "municipality" in subsection 206.1(1) of the Municipal Act, as set out in section 3 of the bill, be amended by adding at the end "and the county of Oxford."

The rationale for that is to ensure that all municipalities are eligible to participate in an agreement with the Attorney General to perform Provincial Offences Act functions.

The Chair: Questions, debate? All those in favour?

Mr Colle: What's so unusual about the county of Oxford? Every time there's an amendment, it's the county of Oxford.

The Chair: We're in the middle of a vote, Mr Colle, and I'm going to rule that the motion is carried.

Page 18, which is a government amendment.

Mr Flaherty: I move that subsection 206.1(3) of the Municipal Act, as set out in section 3 of the bill, be struck out and the following substituted:

"Employees and others

"(3) The functions given to a municipality by a part X agreement may be performed,

"(a) by the municipality's employees;

"(b) by a combination of the municipality's employees and the employees of another municipality, if the municipalities have an agreement under subsection (3.1); or

"(c) by any other person, with the Attorney General's consent, as described in subsection 174(2) of the Provincial Offences Act.

"Joint performance agreement between municipalities

"(3.1) A municipality that has entered into a part X agreement may enter into an agreement with one or more other municipalities for the joint performance (by a joint board of management or otherwise) of the functions given to the first municipality by the part X agreement.

"Attorney General's consent

"(3.2) The joint performance agreement requires the Attorney General's written consent, obtained in advance."

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The background to the motion is that subsection 206.1(3) has been revised to respond to municipal concerns raised at public hearings on Bill 108. The subsection complements the new section 174 by specifying the process for municipalities to delegate Provincial Offences Act responsibilities. Under this section a municipality may delegate responsibilities to its employees, to another municipality's employees or to a non-municipal employee with the Attorney General's consent.

Subsection 206.1(3.1) is a new subsection. At public hearings municipalities noted the need for greater flexibility in service delivery options to meet local needs. This subsection addresses that concern because it allows municipalities to create joint management boards and to delegate responsibilities to them with the Attorney General's consent. This alternative strikes a responsible balance between flexibility to achieve administrative efficiency and maintaining proper justice standards.

Ms Castrilli: This is a good motion. It is consistent with some of the points that we have tried to bring forward and it does give municipalities the flexibility they have requested. I note with some curiosity that the parliamentary assistant is quite willing to introduce motions on the basis of what has been heard during the hearings. This is certainly what municipalities have asked for: the ability to delegate, the ability to enter into agreements with groups of municipalities and not just single municipalities.

I wonder why the parliamentary assistant — this is a rhetorical question because we have already answered it to some extent — I wonder why the same courtesy was not accorded to a substantive motion that was put previously which really derogates from the rights of citizens. They have seen fit not to listen in some sections as they have here.

The Chair: I understand what you're saying. Any other comments or questions? Shall the government motion carry? All those in favour? Opposed? The motion is carried.

We will proceed to page 19.

Ms Castrilli: I would point out that this is a Liberal motion. There's a typographical error in the motion. It should read: "section 3 of the bill, subsection 206.1(3)" not "(4)." Because it really is in keeping with the motion that was presented previously by the government, we withdraw it.

The Chair: Are there any other amendments? I don't believe there are. Shall section 3, as amended, carry? All those in favour? All those opposed? Section 3, as amended, is carried.

Section 4: Any debate or questions? Shall section 4 carry? All those in favour? All those opposed? Section 4 is carried.

Section 5, which is the short title: Any debate or questions? Shall section 5, the short title of the bill, "Streamlining of Administration of Provincial Offences Act, 1997," carry? All those in favour? Opposed? Section 5 is carried.

Shall the long title of the bill, "An Act to deal with the prosecution of certain provincial offences, to reduce duplication and to streamline administration," carry? Opposed? The long title is carried.

That appears to be it. Shall Bill 108, as amended, carry? All those in favour?

Ms Castrilli: Are you permitting debate at this point?

The Chair: You're quite right, Ms Castrilli.

Ms Castrilli: This is essentially a good bill. It is something the municipalities have asked for. I think a great deal of thought has gone into this bill and some of the amendments we have passed today have strengthened the legislation to make it do what it is intended to do and to ensure that the administration of justice continues unabated.

However, it is with a great deal of concern that I put to you that this legislation is fundamentally flawed. I would like nothing better than to support this legislation. Nevertheless, I cannot in good conscience support a piece of legislation that abrogates from hard-fought rights of citizens and residents of this province.

Without the critical amendment that is required to protect French-language rights in this province, particularly at this very critical time in our history as a province and as a country, I find it unconscionable to put forward this bill and indeed to support it. It is therefore with a very heavy heart that I will have to vote against the legislation. I would suggest to you that even the title is wrong, because there should be added to it, "An Act to abrogate from the rights of citizens."

Mr Flaherty: The member uses the phrase "abrogate rights." I repeat that there is nothing in this bill which would lessen the provision of services required by the Courts of Justice Act. That is the act that protects the right to trials in the French language. As I've already stated, subsection 126(1) of the Courts of Justice Act provides that, "A party to a proceeding who speaks French has the right to require that it be conducted as a bilingual proceeding."

Bill 108 provides for memoranda of agreements to be entered into, and the best way to work out the roles and responsibilities for services — French is a good example, where the government takes the view that discussion with municipalities is a good approach, through the memorandum-of-understanding discussion.

Ms Castrilli: Chair, unfortunately no one really believes what the parliamentary assistant has said, not the francophone minority, not the French-language lawyers who service the francophone minority, not the Canadian Bar Association, and I suspect, deep down, not even members of the government caucus.

Mr Young: Speak for yourself.

Ms Castrilli: If indeed you believe that this legislation, in contrast to every legal evidence that we've had before this committee, does not diminish or take away rights from the francophone minority in this province, say so. Have the courage of your conviction and say so. Not to do so is to leave the door open to precisely that and we have warned you here today that you do so at your peril, that you are inviting litigation, that you are inviting strife in this province, and that is totally unacceptable.

Mr Marchese: We think — and Mr Flaherty is the spokesperson for this committee — that Mr Harris is making a serious mistake. He argues there's nothing here that limits the linguistic rights of the francophone community. We think he's wrong, quite clearly, on this, and a number of people have spoken to that.

If ever there was an area where, even if we are wrong and he's right, he might want to make a mistake by simply including the language that we have presented in a motion, this would be a good time to do it. If he's saying that nothing here takes away from linguistic rights, then it would be very wise to support our motion that says an agreement of this part does not affect the existing language rights. If rights are not affected, this would be slightly redundant but it wouldn't be a big deal. You would protect yourself and protect the rights of the linguistic communities. Why wouldn't you do that? It isn't a big deal.

Every now and then where there is some doubt as to your opinion, the government's opinion, and those who oppose it, both parties and other people of the general public, if that is the case from time to time and you refuse to accept language that simply confirms what is already law, sometimes it's not a big deal, but in this particular instance it is a big deal.

This is not a minor issue. You're causing political problems with this because there is a great deal of doubt and disagreement as to whether linguistic rights are protected or diminished. Because many believe their linguistic rights are diminished, you would want to assure them that that is not the case by accepting our language, and you are not doing that. You are intentionally rejecting our suggestion, our advice. During a federal election

this is the worst time for you to propose what you are suggesting and to refuse to accept what we are proposing. It's the worst of times.

I know that the parliamentary assistant has already made up his mind. We have made our points. We think he's treading on very dangerous ground for his party, both provincially and federally, and for our country.

Mr Flaherty: The memorandum of agreement contemplated by Bill 108 is the best way to work out roles and responsibilities for services. French is a good example of where discussion is a good approach.

Mr Marchese: Again, memorandum of understanding is not the best approach. We talked about standards earlier. He made the argument as to why standards are critical in the particular amendment that we spoke of earlier and I agreed with him in relation to standards there. He's now saying it's the memorandum of understanding that we need in order to deal with this. If ever there was a time to have provincial standards, it's around this issue. You are wrong, Mr Flaherty, in this regard, most emphatically.

You raise your eyebrows. It's not just from political disagreement that I make this — I have sensitivities around this. As a former teacher of English and French, as someone who supports "distinct society," the language, as someone who believes in linguistic rights for the francophone community, I feel strongly about this issue. I don't take lightly the fact that you believe that simply a memorandum will do. This course is incorrect.

The Chair: Further debate? Shall Bill 108, as amended, carry?

Mr Marchese: Recorded vote.

Ayes

Danford, DeFaria, Doyle, Flaherty, Gilchrist, Munro, Ross, Young.

Nays

Castrilli, Colle, Marchese, Sergio.

The Chair: Shall Bill 108, as amended, be reported to the House? All those in favour? All those opposed? The motion shall carry.

We appear to have concluded our deliberations on Bill 108. Before I declare an adjournment I would ask that members of the subcommittee meet after the meeting.

This meeting is adjourned until May 15 at 10 am when we will discuss clause-by-clause of Bill 109.

The committee adjourned at 1144.

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**Official Report
of Debates
(Hansard)**

Thursday 15 May 1997

**Journal
des débats
(Hansard)**

Jeudi 15 mai 1997

**Standing committee on
general government**

**Comité permanent des
affaires gouvernementales**

**Local Control of
Public Libraries Act, 1997**

**Loi de 1997 sur le contrôle local
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Thursday 15 May 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Jeudi 15 mai 1997

*The committee met at 1000 in committee room 1.*LOCAL CONTROL OF
PUBLIC LIBRARIES ACT, 1997
LOI DE 1997 SUR LE CONTRÔLE LOCAL
DES BIBLIOTHÈQUES PUBLIQUES

Consideration of Bill 109, An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level / Projet de loi 109, Loi modifiant la Loi sur les bibliothèques publiques de façon à situer à l'échelon local les pouvoirs, la responsabilité et l'obligation de rendre compte concernant la fourniture et la gestion efficace des services locaux de bibliothèque.

The Chair (Mr David Tilson): I see a quorum. This is the standing committee on general government, which is reviewing Bill 109, an act to amend the Public Libraries Act. Today we are starting clause-by-clause. You have an agenda before you. I understand some members only received the amendments recently. I hope we can proceed this morning as scheduled. Unless I hear some complaints, we'll proceed accordingly.

The first item on the agenda is, I understand, Mr Gravelle's motion made in Thunder Bay which was deferred until today. Mr Gravelle, if you could perhaps read your motion again.

Mr Michael Gravelle (Port Arthur): The motion reads:

"Members of the standing committee on general government therefore recognize the importance of library services in all communities across Ontario and recommend to the minister that amendments to the legislation should be encouraged; amendments that will guarantee the continuation of library services in rural and northern Ontario and recognize that some provincial funding should be maintained in order to meet that goal."

If I may just reacquaint members of the committee with the resolution that was brought forward in Thunder Bay, the last stop on our public hearings of Bill 109. We brought it forward. I'm not sure that all the members who are present were there, so I'll just remind them.

It was the last day of hearings. It was a concern based upon the fact that in Thunder Bay a very clear message was being sent to us, that had been confirmed in previous stops, that although we feel strongly that funding needs to be maintained across the province in terms of some per-household grant in some form — and our amendments to some degree will deal with that — there was a need to get a sense of confidence from the committee itself, from all three parties, that there should be recognition that the northern and rural libraries across the

province were going to suffer more greatly from the loss of provincial funding.

There were certainly examples given to us in the public hearings where the provincial grant, although it may in some cases be as small as 6% or 8% — although may I say in some instances it is much higher — even in instances where that was the case, the people who are running the libraries and library boards and the people in the community told us that it was pretty clear that unless some form of provincial funding was maintained, their libraries were threatened with closure.

We heard an example in Atikokan, where even with the situation being what it is right now, with cutbacks that have already taken place and with the future cutbacks anticipated, they would have to close for 11 weeks this coming summer.

Certainly if the minister is serious about maintaining equitable access to libraries, let alone keeping them open, I would hope this resolution would be something she would take seriously. I felt that bringing this resolution forward at the time would be a way for the committee to indicate its general support for the smaller and the northern and rural libraries.

You will recall that Mr Shea suggested at the time it might be deferred until now, suggested we might want to wait until we see the amendments. I have seen the amendments. I do not believe they reflect any sense of connection to this particular resolution. I don't think the government amendments reflect that. I will say I'm a bit disappointed, because Mr Shea indicated that perhaps if we waited until we got to clause-by-clause I would feel this was something that could be dealt with in a positive way.

It's very clear. The message was delivered very clearly that the rural and northern libraries are very much threatened in terms of their existence, that some form of provincial funding needs to be maintained. It was on that basis that I put forward the motion. I would hope we could receive full support for that as we start our day.

Mr Derwyn Shea (High Park-Swansea): I appreciate the comments by Mr Gravelle. He accurately sums up the essence of the exchange in Port Arthur, although he may give it an interpretation slightly at variance with mine.

In essence, the facts are that we did suggest that we defer this motion for consideration today so we'd have a chance to take a look at amendments. It seemed to be precipitous to deal with it in Port Arthur. It was more appropriate to bring it here so the entire committee could be seized of the matter.

As we take a look at Mr Gravelle's motion, we note the phrase, "recommend to the minister that amendments to the legislation should be encouraged." Obviously, in

that regard Mr Gravelle would be himself encouraged. He has seen amendments that have emerged as a result of the hearings, so I think that part of his motion has already been achieved.

The government goes on the circuit to hear the comments of Ontarians and welcomes their input — not only welcomes, but expects and is very sensitive to that input. You will find there is a shift in some of the clauses that reflects input from the community, I think much to their advantage and their wish.

The second part that he speaks about is to guarantee the continuation of library services. There is no reason to suggest otherwise in this bill. If you take a look at the operation of libraries across Ontario, their relationship with the municipalities and their funding base, there was no evidence to suggest they would not continue.

Indeed, as you moved down to the last part of Mr Gravelle's motion, which talks about provincial funding, in many ways we remember that the library system — and that was one where we got into some rather interesting and helpful discussions during the hearings — will not only continue, but the minister has made it very clear that she wishes to give more attention to the structuring of the OLS in the future. From my own personal point of view, I welcome that. I think that's an area that will engage us in conversation for some time, hopefully in a very constructive way.

Funding is going to continue. Obviously, there will be some differences in terms of the dollar flow as we go through the Who Does What exercise. It was curious, for example — we use Atikokan as a case in point — that while it currently receives something in the order of a 6% grant, it was Mr Gravelle's own observations that 6% could be achieved through the use of fees and other funding mechanisms locally without creating any difficulty. So there he makes the case as adequately as does David Crombie in his panel that there can be a very fair and equal offsetting of costs with revenues.

With that in mind, the sense that there is to be a series of fearful budget cuts is seen simply not to be realistic. More than that, it was interesting that during the hearings no library boards came forward to present evidence that they had been informed clearly by their councils that their budgets were to be ended. All indicated, upon questioning, that they found there would be ways and means to generate additional revenues.

Some did exercise concern about the relationships with their councils. I'll speak to that a little later on as we go through clause-by-clause, because I think we have some other work before us in that regard.

For that reason, I have to conclude my comments by suggesting that Mr Gravelle's motion is probably one that has now been superseded by the amendments that were put forward by the government. I think the debate now should proceed to clause-by-clause and he should be comforted in that regard.

The Chair: I have a list. Mr Silipo.

Mr Tony Silipo (Dovercourt): I want to speak in support of this motion, and do so for a couple reasons. I am one of the members you referred to at the beginning who didn't get the amendments yesterday. I appreciate that was not done through anyone's fault, but I didn't get them until I walked in this morning.

Notwithstanding that, I'm certainly prepared to continue going through the process this morning, although if at times I ask you or the committee to slow down, it will be because of that, because I want to make sure I fully understand the motions that we have in front of us.

The Chair: We'll do our best, Mr Silipo.

Mr Silipo: On the motion, as I've had a chance to look quickly through the government amendments this morning, I think it behooves us to support Mr Gravelle's motion, because while there have been a number of amendments tabled by the government, as there have been by us and by the Liberal caucus, there is nothing of a substantive nature in those amendments that addresses the issues raised here. Oh, my amendments have just arrived, Mr Chair. There is nothing in here that substantially deals with the questions that are raised in Mr Gravelle's motion, dealing particularly with the continuation of library services in rural and northern Ontario and the issue of continuing funding.

I would say to the government members in particular that yes, they have made it clear that in the tradeoff that's going on, as they put it, between municipalities and the provincial government, the provincial level of funding to libraries will end, to be exchanged for some other responsibilities that the government will take on. I would say that is, in and of itself, the biggest reason why this should not be proceeded with, because we know already from the reaction even to the changed downloading process that municipalities are going to be getting less in the way of funding and there's not going to be an even tradeoff.

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I am not familiar with the numbers right across the province, but I suspect if there is a shortfall, as has been pointed out here in Metropolitan Toronto of some \$347 million, when you put the whole puzzle together — and this is part of that puzzle, as we know — there inevitably will be a shortfall in rural and northern Ontario.

That means that at the end of the day, when municipalities turn around and try to make decisions about whether they're going to continue the present level of funding, let alone make any improvements to the library system they would now become responsible for under this bill if this bill passes, they won't quite have that flexibility; they won't quite have the same latitude that they have now. One of the things that will happen is that as municipalities get squeezed in having to look at a variety of costs, it's my fear and the fear of many who have been active in the library communities that the library system will be one of the areas that will suffer.

If that's what the government wants to see, then the government should at least be honest enough to say that, and to say it's prepared to see less funding for libraries. What appals me, quite frankly, is that the government pretends this is an even trade, yet the numbers we are seeing show very clearly that it won't be an even trade at the end of the day, and one of the systems, one of the services we'll lose is the library service.

For that reason alone, this motion needs to be supported and the present level of funding maintained in order that we can at least give the library system across

the province an even chance to continue to exist and to continue to provide the good services that it provides.

Mr Mario Sergio (Yorkview): I have a question of Mr Shea. I want to make sure I understand clearly what he's saying to us. Mr Shea, you mentioned that funding will continue. Are you saying that the proposed legislation is providing the necessary funds for libraries to continue to operate more or less in the same way they're operating now?

The Chair: I have a list, Mr Sergio. Perhaps we could proceed.

Mr Sergio: I'm sorry?

The Chair: You may have other questions. There's a list after you, so perhaps you could ask your questions and Mr Shea could choose to answer or not answer your questions.

Mr Sergio: The fact is that I want to make some comment as well, once he answers the question.

The Chair: I'd prefer to listen to what you have to say. There's a list of speakers. If you could proceed.

Mr Sergio: I'll make my comments, if that's the case. I believe some of the funds that will be generated, which Mr Shea has addressed himself to, will not be coming from the provincial government. They will have to come from either user fees or a cut in services, as we already see in many libraries in Metro, including in my own area — fewer hours, more charges for various books and stuff like that. This is a serious concern.

It's not that the people are fearful of cuts when they are not there. Actually, this is the main problem: The people are very fearful that because of the cuts, libraries will have to curtail either the number of books or hours of operations. This will have a very straight, direct effect, as we have been saying all along, on classroom education eventually, because if the kids in the classroom cannot get the information necessary on many subjects, that will be reflected in the classrooms.

I would say with all due respect that we just can't continue unloading on to the local municipality in the hope that the local municipality will continue to provide all the services that our people are enjoying now. We know that many municipalities, especially municipalities up north — and I can appreciate and support the motion put forth by my colleague Mr Gravelle — will be hit with millions and millions of dollars in cuts, and municipalities will have to decide on a priority basis where they are going to spend those dollars, especially those that won't be forthcoming any more.

When the provincial government keeps on cutting all over the place and says to the municipalities, "Now it's your responsibility. How you're going to do it, we don't care. Where you're going to get the funds, we don't care. How long you're going to open the library, we don't care. What you're going to keep in the library, we don't care. We'll leave it up to you," I think the provincial government really is not maintaining the responsibility towards the people that it should. I believe it's totally wrong.

I do believe that members of the government believe it's wrong, but because they want to toe the government's party line, they will support the legislation as put forth by the government. It's most unfortunate. But I hope they

will find enough common sense to support the motion put forth by Mr Gravelle, because it makes sense. It hits right at home because it says here that without provincial support, many of the services will not be able to be provided.

I do hope the government members will be able to support the motion.

Mr Gravelle: I certainly appreciate the comments of Mr Silipo and Mr Sergio. They show a real sensitivity to what I think the problem is. In terms of Mr Shea, it was made very clear to us. I've got letters upon letters here from public library boards that express in no uncertain terms that they've done their investigations, they've talked to the councillors. They recognize there's no question that municipal councils will not make up for the lost money, the money that's taken away, and in fact will have some real difficulty maintaining the funding level they're at because of the downloading reality that's facing all the municipalities in the province.

I've got letters from the Kitchener Public Library, the Bruce County Public Library, the Ignace, Atikokan, Geraldton and Beardmore libraries in northern Ontario. What they've made clear is that regardless of the percentage, there is a need to maintain some provincial support. Mr Shea, when he was talking about the minister's involvement in the library service, was not talking about funding. I'm sure he'll clarify that for Mr Sergio. He was not talking about funding for individual libraries, the per-household grants that have been in place.

It's just that the message comes across loud and clear. I really don't know how the minister, with this bill, can try to have it both ways. The fact is you can't talk about equal access, you can't talk about maintaining libraries if the message is coming out loud and clear that libraries — which have already been severely cut, as have so many other services in the last two years. If they're going to be really severely cut, how they can be maintained?

If the message we're getting is that this support is needed and some recognition and involvement of the minister and ministry is needed, how this cannot be an acceptable motion, to have some form of provincial funding support in place to at least give the libraries that are truly threatened — the fact is, somewhere down the line, if this doesn't happen, the minister and this government will be held accountable for that. If these libraries cannot stay open, they'll be held accountable. They may try to shift the responsibility or the blame on the municipalities, but they won't be able to get away with it, because people are watching this very closely.

The message is loud and clear. Whether it's 6%, 8% or in some cases up to 50% in some of the smaller libraries — and I know Mr Shea recognizes that is the case — there is an incredible need to understand that some form of provincial funding needs to be maintained in order to maintain the existence of many libraries, certainly maintain the viability of some of them.

As I said, if the minister wishes through this bill to talk about equity of access and people having the freedom to get what they need from the library, then she needs and this committee needs to take some action, which could be resolved by supporting this motion.

1020

Mr John O'Toole (Durham East): I'm pleased to participate in this particular broad view of Mr Gravelle's motion.

Just to give a bit of background, I spent a number of years on library boards locally, on two different occasions in the late 1970s and early 1980s, and then I was on a provincial and a regional library service as well for the automation of libraries, because that was my background. I've seen it grow and change and become much more efficient over time.

I think that's a very important part of it. When I put that together with the current intent of this particular bill, it's in the broader sense to allow municipalities to deliver the priority services they see are appropriate to their communities. In some places today the services and their priorities will change because of the funding arrangement. But you've got to remember that the province is taking some \$3 billion off the municipal taxpayer in terms of education funding and delivering to it other services.

I believe those municipalities will look at this disentanglement exercise and refocus their priorities. I believe libraries and educational facilities will be a lot more cooperative in the future. Libraries and community libraries play a very important role. I have five children, so I know the importance of them. The schools themselves and the school academic libraries need to be part of the long-range solution. I'm sure the librarians, the professionals themselves, are working in that direction. Without some necessity to reinvent themselves, that won't occur.

The most important signal, I heard Minister Mushinski say — and I talked to her personally on this, and my own chief librarian, Cynthia Mearns, has been in direct communication with her responses to this bill and her particular recommendations. They wanted the autonomy away from their municipal councils so that those citizens, those volunteer boards — and, Mr Gravelle, from what you've been talking about, they've been arguing for many years about getting their fair share of the recreational dollars. There's this argument about whether they'll build more arenas or more libraries. That's what the minister said: "We're going to leave the library boards at arm's length from the municipalities so they're not just a department." Those communities will rethink and reinvent themselves in terms of delivering library service.

The minister has also left in place a very important infrastructure piece, which is the whole interlibrary loan system, which is a requirement with the shortage of resources, and the ONET, the network system — which may not be a great service to the north at the moment, but I know there's a commitment to have digital services available in the north in the next period of time. I think the federal government is doing something in that area, which is the new view of library service: on-line access and perhaps book reserves.

I think this bill moves us forward. The particular amendments and the wording in the legislation as it exists, without reference to any part of the province, is the right thing to do. Yes, the province has to still be there supporting access to library service for books for the general public.

I won't be supporting your resolution. I don't think it's the right thing to do. I just gave you some backdrop to this particular interpretation of the bill as I see it.

Mr Shea: I appreciate the interventions of Mr Silipo, Mr Sergio and particularly Mr Gravelle, who travelled on the committee and listened to a number of comments both from librarians and representatives of library boards as well as municipalities.

The debate is engaged at that point where you talk about the relationship between libraries and municipalities and even the role of government in terms of individual libraries versus the province-wide strategy that might be employed to nurture the library system across this province. That's where a good part of the debate today will focus, and we'll come back to that over and over again.

I will do my best to help Mr Sergio grapple with the budgets and budget implications of Who Does What and so forth, because I still have consummate hope that he will once again put on his councillor's hat and will understand the significance of the bill that's before us today. I know he will; I have hope that he will and I will do what I can today to help him in that regard.

In that sense, there is a very clear understanding in the bill that in the Who Does What process, as my colleague Mr O'Toole has pointed out, there has been a shift of dollars as the province assumes responsibility for education costs, so other costs are transferred back on to the municipalities. It is meant to be revenue-neutral.

There will be a debate — not just here; there will be a debate in the House; it'll be a debate everywhere about whether it has in fact been revenue-neutral. My colleague Mr Silipo refers to \$347 million that he purports could be an outflow from Metropolitan Toronto. I challenge that figure significantly. In fact, when the dust all settles, the immediate reports that I keep hearing are that province-wide, the uploading on the province could be in the order of \$3 million or more. So at least the reports are that we have come to a point of revenue neutrality, and that's good news for us all.

Therein lies the debate of whether the province should continue to not only go through the exercise of Who Does What, but also continue to intervene in the affairs of municipalities. That, of course, is really counter to the Bill 26 spirit and I would think it is repugnant to most municipal councillors, who would say, "If we are significant partners and in some ways equal partners in the governance of this province, we have responsibilities and accountabilities" — I think Mr Gravelle used that word, rightfully — "so we want to be held accountable and we have to ensure that we're not fettered by other activities by the province."

Interestingly enough, with regard to the bill that is before us now, the chairman of the Association of Municipalities of Ontario not only welcomed the change, but made it very clear that in his opinion budgets would not change in terms of the support to library systems. That's good news, and he made that statement on more than one occasion.

We might also remind ourselves that the provincial funding that will go to individual libraries doesn't mean to say that individual libraries are cut off from other

avenues of support. Case in point: the transition funding which will be in place to provide some assistance. Municipalities may very well choose to exercise their access for those kinds of programs where necessary.

I really can't leave my education of Mr Sergio too quickly without referring to at least two points that he raised in his intervention that I appreciate and with which I differ. He suggests that the libraries will be left to the variances and verities of the property tax, and that's true. That's what accountability is all about. As a former councillor he knows what's that all about, and as a former councillor he knows that there's no one on a council who sits by and willfully says, "Let's trash the library board," as opposed to something else. He knows from his own experience that most, if not all, municipal representatives consider the library system an extremely important part of their municipality. He knows that. He knows they should have reasonable access to the funding base of the municipality.

Where there may be user fees charged to provide some additional revenue flows for the library, I put it to him that there are user fees currently being charged right now and there may well be an expansion of some areas. But to suggest that this act is allowing people to say, "We don't care where you get the money from," that we have suddenly cut off the libraries and there will now be a raid by the libraries on their constituencies in terms of user fees is simply misrepresenting and distorting the reality.

The fact is we do care, and as Mr Sergio reads the act — I know he has — he knows that this act very carefully circumscribes the areas in which fees may be charged. It precisely precludes areas from being charged, and he knows that; I know he does. I know he would read that with the sensitivity of a former councillor. I know he would watch that with a hawk eye and he would discover that this act is being very carefully crafted to ensure that there is maintenance of the system that this provincial government and all local governments hold very dear. I want to make sure that's very clear and it's placed on the record for us to understand.

1030

In terms of the intervention by my good friend Mr Gravelle, he rightfully points out that on a number of occasions representatives of library boards came forward to express profound fear. He may rightfully, as the day proceeds, point out that a number of library boards came forward to express in some cases — and there was one name that he used in his litany that I don't want to repeat again — distress if not disregard for their relationship with their council.

One can always encourage the councillors to get library cards, and that may ameliorate some of their relationship, but I'm not naming any names, out of courtesy to them. I suggest that he would agree with me that not one library board came forward with any documentation to show that the council had said, "You're toast." Not one library board came forward to say they had evidence from their council that their funds would be ended. Not one library board came forward to say that the council had told them there was no way to make up any differential in the provincial grants, and in many cases the provincial grant, with the exception of some

that are at an extreme end of the scale, may be 15% of their total revenue or significantly less. I mentioned Atikokan being 6% as a case in point.

We're not talking about a situation here where one can argue that this is now hanging on by fingertips and this is the end of the day for libraries; quite the reverse. This is an opportunity now, with this bill, to pick up on the word I think both Mr Sergio and Mr Gravelle used, and that is "accountability." The fact is that in the development of the provincial strategy and certainly in terms of the system, the province has a very significant role to play, and I am persuaded the minister will be true to that responsibility.

In terms of individual libraries, at least in this case Mr Sergio, putting on his former councillor's hat, will know he joined me in the past in saying to the province, "Get out of our face and let us do what we should be doing." Mr Sergio was there saying that in other circumstances and I know he believes that. I know he believes to this day that there are places where we have to separate the functions, and that's the beauty of this bill. It is true to the spirit of Bill 26. It ensures that we're saying: "This is a municipal responsibility; you deal with that. This is our responsibility provincially; we will deal with that."

To ensure there's the ease of transition, there is a transition fund the province puts in place so that municipalities may make adjustments so there is no dramatic impact upon budgets and so forth. So in that regard I hope I have addressed the initial concerns of my colleagues. If there are others, I know they'll come up during the clause-by-clause discussions. On behalf of the minister, I have to tell you I value their interventions. I appreciate it and I hope I have given them cause for some reassurance.

Mr Gravelle: I would like to make a few comments that relate to what Mr Shea said and some to what Mr O'Toole said as well. The truth is that Mr Shea is correct. No library board came before us and said, "We have absolute, irrefutable evidence that says it's going to close." But what they have is, and these are communities where the councillors and library boards all work closely together — a lot of them were smaller communities — they know the councillor, they've had their discussions. Some of them have had semi-formal discussions. I got letters since then that confirm that. The evidence is very clear that they were told informally by the mayor or reeve, "Don't expect this." So there's no question that they expressed a great deal of fear for a very, very good reason.

When we get into the whole question of the down-loading and everything else and the fact that the government insists it's revenue-neutral, I would be delighted if the government side would propose an amendment to my motion, if indeed they're wrong and the process is not revenue-neutral, that they would guarantee some form of funding to libraries. Because we're talking about libraries. The fact is, and I don't think anybody really is being fooled by this, that this bill truly is part of the process of abandoning provincial responsibility for a public library system. There is absolutely no question about it.

You talk about provincial accountability. We have some amendments we put forward that I look forward to

your supporting which entrench to some degree the minister's responsibility and accountability in the public library process, because if you look at it, there's nothing, legislatively, that guarantees the ministry is going to retain any accountability.

The sad thing, and what has maybe been lost in this bill and in terms of the government's whole approach, is the fact that public libraries actually in the last couple of years have been moving to be more and more part of a provincial resource. They've been moving in a direction of recognition that they are part of a provincial resource. All municipalities gain from that. Limiting this bill and their vision for a library network to public libraries is shortsighted, to not take advantage of it, to not recognize that this process should continue. If the government really wanted increased efficiency or cost-effectiveness and better service, it would not be pushing libraries deeper into the local communities, putting those pressures on the municipalities which really are not fair.

Mr O'Toole talked about the interlibrary loan system. That system is going to absolutely fall apart and be under attack because it will simply not be able to be maintained unless there is some guarantee of libraries being able to continue to maintain a certain level of funding. The program costs money.

The thing is, libraries should be moving towards being a provincial resource. That's where they belong. Municipalities have always had a very solid, consistent support for their libraries, and proudly so, but the fact is that provincial involvement has been a very important part of the public library system. What we're seeing with this bill is the end of that system. In terms of the precise provincial funding needs, there's no doubt it will be nice to have some guarantee that at least the minister would say that if indeed a situation exists where municipalities are not able to afford to maintain the library system as it is, some provincial funding would be guaranteed.

I hope Mr Shea, his colleagues and the minister would respond to that, if indeed a system sets up, so that when a library in any part of the province closes because the municipalities are not in a position to maintain the level of support that's needed, the province would be willing to come in and say, "We will provide some access to public provincial funding." Ideally they should maintain it on the basis that that's where it belongs.

This motion will not succeed. The government is going to vote against it. I think it's really important for us to make it very clear that it's needed and it's one of the issues at the forefront of the whole discussion today in clause-by-clause. I appreciate this isn't an amendment, but I hope the minister, if she's sincere about wanting libraries to remain open and accessible, would consider this motion.

Mr Sergio: Just briefly — because I think we want to get on with the business at hand; we have a good number of people here today and they will want to watch the proceedings of our committee — Let me say for a second, going back and putting on my hat of 16 years as a councillor, that local councils are very effective when it comes to delivering service to the local community. There are two differentials here. One is the delivery of those services, the administration, and the other one is

funding. I'm saying, and Mr Shea knows this very well because he has been through that, especially now with Metro and the blessed new city, that those services will not be available unless, as he says, some new charges, user fees are applied. This will have a direct effect on the tax system.

Local councils will have to decide eventually somewhere along the road to maintain the local swimming pool, the wading pool, gyms for the kids, skating rinks, other services, versus cutting services in the library. That's what it comes down to. It's got nothing to do with the local council and stuff like that. Local councils, as responsible as they are, will have to decide. Now that the representation is even more removed from the local community, it will be harder to fight for that local library or the local board and say, "No, we must maintain all these services." But when the local council is faced with a number of other most important requests such as, "What are we going to do, are we going to charge kids now for jumping on the ice for one hour of free skating or are we going to charge for using the summer pool?" what is going to be first?

1040

I would like to go back and have Mr Shea think like a local councillor over those days when the local council has to make those decisions and say: "Well, are we going to curtail the hours now? Are we closed on Sunday, period, or are we going to close at 3 o'clock, or are we going to close at 1 o'clock in the afternoon so we don't charge those kids \$1 to use the local pool?" That's the problem. We know all that can be accomplished if the local council will say, "Oh, let's raise taxes or let's increase from \$2 to \$5, whatever." Of course they can accomplish that. Does it mean that's responsible, accountable? I don't think so. I think we have to weigh both. Even at the local level you have to weigh those situations because the local council, the local councillor, does not have to look solely after the local library. Let's face it, let's be honest: They're accountable for a myriad of other things.

I can appreciate his explanation. He's quite correct on many points, but I think unless the government continues its financial support, I have to say that either user fees will skyrocket or services will have to diminish. I hope they will support the motion.

Mr Shea: To conclude, because I think we just have to make sure we point out two things, let me deal with Mr Sergio's intervention first. That's the easiest one. In terms of user fees and how municipalities may very well deal with their revenue stream and so forth, Mr Sergio, for example, has given a litany of possibilities, that one might charge for skating rinks and so forth. Mr Sergio himself will recall that's precisely what happens in Mississauga and a number of areas right now. That's not with the Who Does What in place or anything else.

Mr Sergio would remember the city of Toronto has dealt with the hours of rinks as another way, an option of dealing with its revenue stream. Mr Sergio, being a fine representative from the North York municipality, will know that even today in the paper the mayor of that municipality is talking about user fees in the area of recycling. So he's aware that municipalities already have

that authority and indeed deal with that in a very careful fashion, as they would in any other fashion, even if it were to involve the libraries.

In terms of Mr Gravelle's intervention, I want to respond very quickly to just two points because they deal with some of the fundamental aspects of the bill that's before us. First of all, to suggest that this bill represents an abandoning of responsibility by the provincial government for the library system is something I simply can't leave in the minutes without at least being addressed. I totally disagree with that; quite the reverse. I think the government is taking the exemplary and very forwarding-looking approach to the province by trying to disengage the confusion that's existed in the areas of governance and responsibilities. I think it's trying to make it very clear now for Ontarians and for ratepayers who does what, who is responsible for what, so that all of us can in a clearer fashion begin to hold it accountable for the services that are delivered.

Finally, there was an interesting sidebar Mr Gravelle referred to that I have to at least expose and address very quickly. He started to segue into his comments by suggesting that in the last few years the library system and certainly, in part of that, individual libraries have grown to be increasingly, in his opinion, a provincial resource. Indeed they are. But he leaves the impression that if he were in government he would take away the libraries and give them a totally provincial funding base. He gives that impression. I don't think he means to do that, but if he does he might wish to surface that, to say yes, that's what they would do. Municipalities might like to make some comments in that regard as well.

I don't want to leave that unaddressed, because the government views both the individual libraries and the total system as an important, intrinsic provincial resource. It is one that is now in partnership, engaged with the municipalities, by suggesting that at this level, in the individual levels, that is an area where the municipalities themselves will carry responsibility. They will have carriage of the responsibility, the care and nurturing of their library system in their municipality, and for the overall system the province will assume its full responsibility for that as well. There is a transition fund that is maintained and to which municipalities may apply for the appropriate shifting of responsibilities as that occurs. That's the final part of my intervention of our preamble, Chair.

Mr Gravelle: I'm wondering who's going to get the last word here, because I have to respond. After all, it is my motion. Mr Shea is being a bit too cute by half, I think, certainly in terms of my reference to provincial resources. The fact is that I was basically speaking to what I see as the abandonment of the provincial responsibility through this bill, and I do see it that way. Obviously it can be a provincial resource. I certainly wasn't implying that the province should be paying 100% of the funding, because municipalities have always played a very significant role in public libraries in terms of the funding and the line-by-line accounting for it, and municipalities obviously maintain it.

I was talking in terms of the fact that this bill removes in almost every way any provincial accountability at all,

as far as I'm concerned. That is really what I was talking about. In the sense of it becoming a provincial resource, we agree that it is. I certainly wasn't making any reference to what the funding should be other than the fact that the province needs to maintain at least the percentage of funding they've got. As you know, libraries have sustained very serious provincial cuts in the last two or three years, and serious cuts that they've managed to make extraordinary adjustments to but that have made it more difficult to maintain the quality of service. But the library boards and municipalities have maintained support for them.

It's this last part of taking it away that is going to be so extraordinarily damaging. You can talk all you want about municipal disentanglement, as you put it, of the downloading. The fact is that we'd sure like to see the figures. If you want to talk about the transitional funds, I think it would be very useful, although this is not the answer, to have some one-time funding to help libraries out on a short-term basis, because the answer is to maintain some provincial funding support, which is what my motion is about.

The fact is that if the minister is going to talk about a transitional fund, it would probably be important to have a separate portion, a separate part, not part of the fund, that is dedicated to the library system, especially if we see libraries being forced to close because municipalities cannot simply sustain all the services they need to sustain.

We could carry this on, obviously, for some time longer. If Mr Shea wants to respond to this, that's fine. I'll probably feel I have to respond again. I think quite simply the fact is that it would be an extraordinary show of support for the government members to recognize, as I think they do, that provincial support at a financial level may absolutely be needed to maintain the library system as they say they want to maintain it. If they were to do so, I think that would probably make an extraordinary difference in how our day goes.

The Chair: Further debate? Mr Gravelle, you appear to have had the last word. All those in favour of the motion? All those opposed? The motion is defeated.

We now appear to be ready to proceed with clause-by-clause. I appreciate that some members have only recently received their package and we'll try to move reasonably slowly to accommodate them. I'm going to be referring to numbers. I assume you have the package with numbers at the top right corner. The first proposed amendment is by the Liberal caucus on page 1, which is a proposed amendment to section 1. Mr Gravelle, if you could give your rationale and read the motion.

Mr Gravelle: I move that the definition of "minister" in section 1 of the Public Libraries Act, as set out in section 1 of the bill, be struck out and the following substituted:

"'Minister' means the Minister of Citizenship, Culture and Recreation."

I think this speaks to one of the concerns we have and a theme that may recur during the day: We want it to be very clear that we do not want the responsibility for what responsibility is left in terms of libraries to be shifted to another minister. We believe that the Minister of Culture,

formally the Minister of Citizenship, Culture and Recreation, at this stage needs to be named in the bill. What we do see obviously is that because the user fees and the regulations are done under the Municipal Act, therefore we see the potential for the Minister of Municipal Affairs to be deemed as the minister responsible. That would be something I'm sure nobody would want to have happen. I think it's absolutely crucial that it just be defined that we mean the Minister of Citizenship, Culture and Recreation.

1050

One recognizes that titles of ministers occasionally change as governments make decisions in terms of departments. I think the clear implication of this is that this is the present title of the minister responsible, and it would be a good idea to simply clarify that. I can't imagine that anybody would have any problems with us doing that, in that this is the minister who is indeed responsible.

Mr Steve Gilchrist (Scarborough East): As the member opposite knows full well, it's extraordinarily difficult to change a bill, and it would require first, second and third reading to ever make an amendment in the future. Every government of three different stripes has changed the title of the minister responsible for libraries over the last 15 years. Clearly the way it is defined in the act allows far more leeway, far greater opportunity to make those minor changes to title without changing the delineation of responsibility. It would be extraordinarily inappropriate to force that amount of wasted time in the Legislature in the future to make a change attendant to any title change in the future. I will not be supporting this motion.

Mr Silipo: Mr Gilchrist may think that it's a waste of time to be clear in the bill about which minister should be responsible for the public library system, but I don't. I think it's incumbent upon the government to be clear in legislation, at least at the present time, subject to changes, and that's always within the purview of the government to do. But it's incumbent upon the government to be clear about which minister they are assigning the responsibility to, not just of the bill but obviously of the system that's covered under the bill, in this case the public library system. So I support the amendment.

I should also point out that I believe it's possible for governments to change — this is not about changing the name of the minister or the title of the minister. Once the responsibilities for an act are assigned to one minister, I believe it's possible by a cabinet order for that responsibility to be shifted to another minister, so it doesn't preclude the government still having the latitude to make those shifts if that's what they want to do.

But until they do that, and unless they do that, I think it's incumbent for the legislation that covers the Public Libraries Act to clearly have designated within it, as the present act does, a minister who is responsible for it. If the government wants to change that, they should put that in the legislation now to indicate that they want to move it to the Minister of Municipal Affairs, if that's what they want to do. If they don't want to do that, they should leave that part of the act as it is.

The Chair: Further debate?

Mr Sergio: Just one question. We have very qualified staff here. I wonder if they can tell us if the government can do it by a single regulation or if they need 15 years of approval, as we heard from Mr Gilchrist. I wonder if the government can do it by simple regulation.

The Chair: Mr Shea, can you assist us?

Mr Shea: My understanding is that if it's in the act, you have to proceed with the appropriate steps to change it, and that is a very cumbersome way to proceed, as my colleague Mr Gilchrist has pointed out.

Mr Sergio: Can we hear from staff, Mr Chair?

Mr Shea: That would be leg counsel, I would think, who would want to respond.

The Chair: I'll accept anybody.

Ms Susan Klein: If the minister is defined in the act to be a specific minister, the government can none the less assign the responsibility for the legislation to any other minister by an order in council. But the problem that was raised does exist. You've got a name in the act that is no longer the name of the minister, so if you want to change the act — for example, if in two years there's an amendment to one section of the act — then it's awkward because you've got references all over to the minister — no, you don't have references all over. Sorry. You can change it by order in council, you can assign it to another minister, but you're left with a statute on the statute books with this name in it.

Mr Sergio: If I get it right, the government can indeed do it by regulation.

Ms Klein: By order in council, under the Executive Council Act.

Mr Gravelle: Obviously, regardless of whether it's cumbersome or whether it's difficult, I think it's important to have the title of the minister in there. The fact is that unless something's happening as of this afternoon, it's the Minister of Citizenship, Culture and Recreation who is the minister of this bill. I think it should be said and it's important.

I won't pretend. There are concerns that there may be plans to sort of change things around in a way that we would find offensive and very wrong, and that's part of the reason I think it's important to put it in there. But aside from all that, it's just something that seems to me should be there. It's the Minister of Citizenship, Culture and Recreation who is the minister; therefore, it should be in the bill regardless of whatever difficulties there might be in changing it. That's something that could be dealt with down the line. The important thing now is to clarify that this minister is responsible for this piece of legislation.

The Chair: Further debate? All those in favour? Opposed? The motion is defeated.

Page 2, a government motion.

Mr Shea: As members will know, this really is a technical amendment. It grew out of our hearings around London. I don't think there's any debate about this one at all. It's one to simply address a concern for the county of Oxford.

The Chair: Debate? All those in favour? Carried.

Shall section 1, as amended, carry? All those in favour? Opposed? I declare the section carried.

Page 3 is a Liberal motion proposing an amendment to section 2.

Mr Gravelle: Certainly the members who were travelling with the committee on public hearings will note that one of the reasonably common elements was that it was good to have a mission statement in the —

Mr Sergio: You have to read the motion.

Mr Gravelle: Oh, I've got to read the motion?

The Chair: Thank you, Mr Sergio. Yes, please.

Mr Gravelle: I move that section 2 of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Purposes

"2(1) The purposes of this act are to recognize and support the role and importance of public libraries in Ontario communities and to make the Ontario government responsible and accountable for the upkeep of equity of access standards across the province to ensure that all Ontarians, regardless of ability to pay or place of residence, continue to have access to excellent public library services and to core public library services which will be provided free of charge.

"Same

"(2) Without limiting the generality of subsection (1), this act has the following purposes:

"1. To ensure that public libraries continue to succeed in providing services in their communities.

"2. To ensure that every Ontarian has a right to equitable access to information through their public libraries.

"3. To support Ontarians' requirements for access to educational, research and recreational materials in a knowledge-based society committed to the values of lifelong learning.

"4. To allow Ontarians to benefit from access to local, provincial, national and global information through a province-wide network.

"5. To maintain provincial responsibility and accountability for achieving the purposes set out in paragraphs 1, 2, 3 and 4."

The Chair: We now have a motion on the floor. Mr Gravelle, you may —

Mr Gravelle: Thank you very much. We've got to do this right, don't we, Mr Chair?

The Chair: Yes, and I need your assistance.

Mr Gravelle: As I was saying earlier, before it was appropriate to say so, there is a mission statement or a preamble in this bill as it is written now. In many cases, and I certainly will be happy to say this, many of the presenters appreciated the intent of that opening statement or preamble, "This act has the following purposes..."

However, I think it's very important that perhaps we simply add to that a tad and put in some measure of clarity in terms of the act itself to quite frankly recognize the provincial accountability, which again I think is lacking in some parts of this bill. The government side talks about the accountability and yet it's not in the bill. This particular first paragraph that I read certainly gets that in there.

1100

Also in (2), where we are in essence following the format of the draft legislation, we've made some changes.

For example, in paragraph 1, "To ensure public libraries continue to successfully provide," we think it would be useful to change it to, "To ensure that public libraries continue to succeed...." I think that would be useful to do that.

In paragraph 4 which we've got here, paragraph 3 in the bill, "To allow Ontarians to benefit from access to local, provincial, national and global information...." we've added the word "national" in there. We think it's useful to talk about access to the national system, and certainly the other systems across the country are ones that need to be accessed. It can't be any problem putting that in there. One has to wonder why it wasn't in there.

Paragraph 5 in the Liberal motion, "To maintain provincial responsibility and accountability for achieving the purposes set out in paragraphs 1, 2, 3 and 4," just simply again restates the need for provincial accountability.

I guess the point is in essence that we think it's crucial, in light of some of the things that are in this bill, that the minister's rhetoric matches the reality. The minister does maintain some responsibility, and the ministry. If you're going to talk about what you want the system to be, I think it's important to state it in perhaps a more detailed, a more clear way. Our party's amendment does that without, I think, making any particular wording that the government or the minister would find uncomfortable. The fact is it simply puts into the legislation what we're hearing from the government side whenever they speak to this issue. So putting those words into the legislation itself hopefully will be supported by all three parties.

Mr Silipo: I want to speak in favour of this. We have an amendment that's similar which we will obviously put if this one isn't carried, although I'd be happy to support this because I think both amendments try to achieve the same objective, which is to clarify in the legislation, as Mr Gravelle has said, that there need to be some basic protections and some assurances that the public library systems will continue to be present, and particularly that the provincial government continues to carry a responsibility. This I think is the point made particularly in the last paragraph, under 2(2)5, and which our amendment also suggests, which picks up on one of the suggestions made by the Ontario Library Trustees' Association that part of the purposes should be to define the role of the provincial government in all of this.

It's clear that in this particular part of the bill it's incumbent that we be clear about the need for the system to continue to exist, but also for the government to continue to play a role in that system. This is key to the following sections of the bill because this is at least a guide in legislation to what the relative responsibilities should be.

We believe that something like the public library system of this province is not something that should be devolved completely to the local municipalities. While we understand that local municipalities by and large have a significant role and play a significant role and should continue to play that role because they are best suited to respond to local needs, that does not and should not detract from the overarching provincial role that should

be there to ensure there is a good, strong, healthy, viable public library system across the province that involves continuing funding.

We have some amendments to deal with that later on that involve ensuring there is a structure in place that allows for a majority of citizens to continue to be on the boards — we have an amendment dealing with that later on — and a system that continues to be essentially free of any user fees for the basic services that today, in our view, include not just the borrowing of books but also the borrowing of other materials, which we are troubled to see the government move away from as it is moving away from that principle.

We think it's important in this particular section of the act, which is the first substantive section after the definitions, to be clear about the variety of responsibilities that should be there that the province needs to continue to be responsible for in the basic purposes of the act, which is to ensure that public libraries continue to function, continue to provide the good services that we have had in this province since the current system came into place well over 100 years ago, and that this should continue. I support this amendment because it strives to do that.

Mr Shea: I understand what my colleagues are suggesting, but I put it to them that the purposes section is already comprehensive; indeed it is perhaps more comprehensive than they would wish. The reason it maintains a very general approach is that the government understands and anticipates significant changes in the world of information and the way that's disseminated. In fact it is appropriate to leave the widest possible room to manoeuvre for libraries and other agencies in our communities. For that reason, not that I have any personal disagreement with the suggestions made by my colleague, I think the purposes statement the government has put in the bill is more than adequate.

Mr Gravelle: In that I see a ray of hope here in Mr Shea not disagreeing with what's in here. Just responding ever so quickly to what he's saying, the fact is that there is nothing in this amendment that in any way would affect the changes that are taking place in terms of the library system. I think they're very much the same issues as in the draft legislation. This simply clarifies them and makes the accountability issue more clearly put in place. In that the government and yourself, Mr Shea, and the minister keep proudly stating that provincial accountability from your point of view, it seems to me that putting this in here would simply make it easier for you to justifiably say that indeed that's where it is; it's in the legislation.

Mr Shea: Far be it from me to dash rays of hope. That is not why I'm here — quite the reverse — but it is in fact to encourage hope where hope is justified and appropriate. Indeed in that sense I can give my colleague great hope by knowing that I think what the purposes section does right now is to address exactly what he wants it to address. It may not be as precise as he would like in some specific areas. I think he will ultimately come to say that was probably a very wise thing, because the government then leaves significant room for adjustments in the 21st century.

Mr Gravelle: I don't agree.

The Chair: All those in favour? Opposed? The motion is defeated.

We will move to a New Democratic motion, which is on page 5.

Mr Silipo: I move that section 2 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following paragraph:

"4. To define the role of the provincial government in ensuring that all Ontarians will have access to information resources through public libraries which are interconnected and networked."

If I may speak to it briefly, this was something that was suggested to the committee during the hearings, as I mentioned earlier, by the Ontario Library Trustees' Association and I believe also the Township of Osgoode Public Library board. I think the essential point that it does is to add to the purposes section something that is quite frankly missing from the three points the government has put into the bill, which is defining the role of the provincial government in making sure that all Ontarians will have access to information resources through the individual libraries but also through libraries which, as the amendment suggests, are interconnected and networked.

I would just say to the government members that this is one that I hope they can support, because while I would say that it's crucial for that role of the government to be there, set out in the purposes clause, I can give them some comfort that even if what they believe the role of the provincial government to be is minimal, which I think is what their bill will do because it will minimize greatly the role of provincial government, it is more honest at least to have in the purposes clause something that says this bill has as one of its purposes to define what that role is.

I'm not sure that's the way that people who suggested it to us intended it to be. I think they wanted to see a strong role, as I do, for the provincial government. But the way the words are, they can also be read fairly neutrally. I would suggest to my colleagues opposite that this is one that they should support because there is nothing in the purposes section as they have put it out that in fact talks about the role of the provincial government and this bill defining those responsibilities and that role.

1110

Mr Shea: Just very quickly, again the comments are much an echo of my comments to Mr Gravelle. The essence of what my colleague Mr Silipo wants to achieve is contained in the bill that's placed before us right now. Paragraph 3 refers to "access to local, provincial and global information" and speaks about a "province-wide public library network." I think that's part of his thought there. Indeed, the bill goes beyond just provincial, as he notes, and I think that augurs well for the future. It leaves significant wiggle room in the future for governments to adjust to changing technologies and realities in this province, whatever they may be, and at this point we can merely conjecture. I think the purposes statement is probably best as it is at this point.

Mr Gravelle: Certainly I want to support Mr Silipo's NDP motion as well. I find it difficult to understand why

the government cannot support this. You're talking about needing wiggle room. This simply clarifies an important point in terms of the whole library network and the system and the interconnection and the networking, which is terribly important and there are some fears about it. This simply works into the preamble as an addition.

I'm disappointed that you obviously did not feel that you could support the earlier amendment related to this, but I'm glad to see that the NDP has put in a motion that helps as well in that regard. I would hope quite frankly that you would see no problem with this. This is something that simply needs to be in there. It's something that obviously the library community has alerted us to, that this is something that needs to be put in and will help in terms of the overall purposes. It seems rather startling that you wouldn't have some comfort actually in agreeing to support that.

The Chair: Debate? All those in favour? Opposed? The motion is defeated.

Page 6, which is a Liberal motion.

Mr Gravelle: I move that section 2 of the bill be amended by adding the following as section 2.1 of the Public Libraries Act:

"Minister's responsibilities

"2.1 The minister shall,

"(a) ensure the continued existence and operation of the southern and northern Ontario library service organizations that are in existence on the day this section comes into force;

"(b) ensure the continuation of interlibrary loan programs and the continuation or establishment of other initiatives to strengthen Ontario's public libraries;

"(c) establish a process for municipalities or public library boards to seek assistance for the capital and operating costs of their public libraries to ensure their continued existence and operation;

"(d) recognize the distinct needs of public libraries of all sizes and resolve to uphold equity of access standards across the province;

"(e) ensure provincial responsibility for maintaining community linkage to the province-wide public library network."

This is certainly an amendment that I think is a necessary one and one that again clarifies the role of the minister. The fact is that the draft legislation outlines no provincial role in Ontario library operations and this clause legislatively outlines specific responsibilities for the minister, and I think that's important.

In anticipating some concerns that might be expressed by the parliamentary assistant, certainly I could speak to each section, but I won't, because I think some of them are pretty clear and they are sensible for the minister to be involved with. But certainly clause (c), establishing a process where municipalities can apply for provincial dollars, truly does feed into the reality that we have some concerns, and may I say more than concerns — I truly am being polite this morning — real fear that municipalities will be in a position where they will not be able to maintain the level of services in a variety of areas, and certainly that will be the case in libraries.

We still think there should be some provincial openings, some provincial funding opportunity that's very

specific. The minister has spoken of this — I think Mr Shea will confirm that — in at least one setting, that indeed she may need to set up a process very specifically for certain libraries — certainly she spoke in terms of the small and northern and rural — a system whereby libraries that cannot exist can set up some process where they can seek provincial funding of some sort simply to maintain their existence, which of course would then just feed into what the purposes of the act are supposed to be.

I would hope that this amendment will be accepted. Again it deals in an overall sense with provincial responsibility, specifically the minister's responsibility because we think that's crucial — whoever the minister of the day is should be involved — but it speaks to the concern we have that the bill in essence removes all provincial accountability and provincial responsibility. We think it's important that this be clarified in the legislation. Again, if the government wants to match its rhetoric with action, it will, I would think, accept this amendment.

Mr Shea: I don't want to get into a rhetorical debate with my colleague, and I don't think we need to. The fact is that, as he takes a look at most of the legislation right now, he will note that OLS is already an important part of the provincial role. It doesn't need to be spelled out in this sense and certainly not where this is being proposed. We're doing everything that is contained in this motion with the exception of clause (3), which requests funding. That is of course in complete contradiction of the thrust of the bill, which is to ensure that Who Does What is put in place across the province. In fact, the provincial funding is one thing that will move towards one level of the services in this province while funding for public libraries, the local branches, will flow from another source. That's what the whole exercise has been about. In this regard I regretfully can't support the motion because in fact it's already contained in the bill.

Mr Gravelle: First of all, just in terms of the precise clause (c), it doesn't ask for funding; it talks about establishing a process, which the minister has talked about. She certainly has spoken in some quarters about this, so I don't think that should be a barrier. It doesn't ask for funding; it talks about establishing a process. I see the minister's aide talking to you and I'm sure he's just confirming that indeed the minister has spoken about that. That is quite different, so it's not an actual money provision.

The fact is that these are services that basically are aspects of library service that the minister and the government talk about wanting to maintain. Therefore for us to put it in a legislative format, to put it in the bill will, I think, assure people that there is some sincerity in what the stated purposes are. To not have it in the legislation is a concern, and to have the minister's role there defined I think simply makes sense. Again, that section does not ask for money; it asks for a process, and one that basically makes a great deal of sense and will clearly be needed by the library system as the year unfolds.

Mr Silipo: Just briefly speaking in support of this, I have the funny feeling that we're beginning to see a pattern develop here as we go through clause-by-clause, which is that the government will find no amendments

suggested by the Liberal or NDP caucus acceptable, which I think is indicative of how this government has been working on a number of fronts.

But to come back to this, this particular amendment is again setting out some responsibilities that the minister should have, responsibilities that, as Mr Gravelle has said, the minister has on more than one occasion indicated she will ensure in fact will happen. What we're saying is, look, you're making these changes; we don't agree with the changes you're making, but at the very least put into the legislation the fact that the minister will continue to ensure that there is a viable system across the province. I don't know why that particular suggestion gives the government members such difficulty.

1120

Mr Shea: Just a very brief response. In terms of the amendments, clearly the government has listened to the deputations as the committee has travelled across the province and is indeed looking at a number of amendments that are before us today and giving consideration to them in the clause-by-clause. To ascribe to that any motive other than trying to ensure that there's a very good bill on behalf of Ontarians I think would be untoward.

The second part, if I can just respond to Mr Gravelle's intervention, is just to very briefly once again remind us all of the importance of the transition fund. That is indeed why it's there: to respond to that part that Mr Gravelle would be concerned about in clause (c). I think in fact everything is currently in place and it seems as though this amendment simply is superfluous.

Mr Gravelle: I just think this amendment would in a very minimal sense be reassuring to the library community, to a number of people who care about libraries. I don't think it should be viewed as a problem, and you haven't even stated it as being such. It's a question of putting into legislation something that states very clearly the minister's accountability and responsibility. I have some concerns that as the day goes on, there will be no acceptance.

May I say in the previous amendment as well — though I can't speak to it because it's gone. This is not a controversial one. It's basically one to legislatively give some assurance that the minister's publicly stated objectives are simply in the bill itself. When they're not in the bill, I think people, for pretty good reasons, begin to sometimes say, "What is this bill really all about?" It's about something else unless you accept some of the amendments, and this is one that quite frankly would be a responsible one and one that the minister I'm sure undoubtedly would speak publicly or in the House and say these things. These are the aspects that she would want to support, and I would presume and hope she would do that. That being the case, it seems odd that you would not accept putting this in the legislation itself.

Mr Shea: Just a final point. My colleague will acknowledge the fact that many of the responsibilities contained in his motion indeed the minister does not at this time require legislative authority for and can operate and does operate in that capacity. For that reason, it seems inappropriate to place this in the act.

The Chair: Further debate? All those in favour of the motion? All those opposed? The motion is defeated.

Page 7, a New Democratic proposed amendment.

Mr Silipo: I move that section 2 of the bill be amended by adding the following as sections 2.1 and 2.2 of the Public Libraries Act:

"Entitlement to public library services

"2.1 Every resident of Ontario is entitled to have access to public library services in his or her own municipality or in an adjacent municipality.

"Library funding

"2.2 Every municipality shall, annually, devote to operating costs for library services an amount that meets the following conditions:

"1. It is equal to or greater than the dollar amount the municipality or its predecessors devoted to operating costs for library services in 1996.

"2. It represents a proportion of the municipality's overall operating expenditures that is equal to or greater than the proportion of those expenditures that the municipality or its predecessors devoted to operating costs for library services in 1996."

To speak to this motion, there are two important things that this amendment proposes to do. One is to ensure that we have very early in the bill a basic entitlement to public library services so that every resident of Ontario is entitled to have access to public library services either in their own municipality or, where that isn't feasible, in at least the adjacent municipality. The second issue that this amendment tries to deal with is the question of funding, which as you know has been a major concern as well.

What we're doing quite frankly with this amendment is calling the government on its proposal and on its suggestion that there will be no cuts to the funding for libraries by virtue of the changes it is making. We're saying let's enshrine in legislation that you believe by shifting the costs on to municipalities for the complete funding of libraries they will not have to reduce funding, as you argue, because it's going to be an even trade. There should be certainly no problem with suggesting that the legislation should protect the current level of funding at least either in the dollar amounts or as a proportion of what the municipalities are now spending. It provides both of those as vehicles through which that test could be applied.

I realize this is perhaps a bit of an unusual way of suggesting that funding be maintained, but quite frankly, against what the government is doing and in light of our view that what's going to happen across the province if something like isn't put into the bill is that there will be cuts to the library system because municipalities will do that either by choice or, more likely, will do it because, as they size up the different competing interests, they will feel they have no room but to make the cuts.

What we're saying to the government is, if you believe that the current shift of funding that you're making should cause municipalities no problem, then there should be no problem in terms of ensuring that they be required to provide that current level of funding.

Mr Gilchrist: I think this is perhaps one of the more remarkable occurrences that we will witness this session. After literally days and days of debate, thousands of

words spoken in the House about how odious Bill 103 was because it dared to intrude in the affairs of a municipality, we now have the third party suggesting, contrary to both the spirit and I believe the law, that the province direct to municipalities how they spend their money.

This is utterly incredible. To suggest that the municipalities should not have the right to make their decisions as they affect libraries is absolutely contrary to everything you said during Bill 103. More to the point, it is absolutely contrary to everything under Who Does What. The very spirit of the various acts under Who Does What is to ensure that those municipalities which are funding a particular service have the total control over it, and total control includes how much they spend.

This is utterly incredible that you, of all people, would be putting this forward and is, quite frankly, a slap in the face of all the municipalities, which I believe know how to manage their affairs quite nicely and will make the appropriate decisions when it comes to funding for the necessary services, such as libraries.

The Chair: Further debate? I just thought you might want to say a few words.

Mr Silipo: You see, Chair, I find that line of reasoning equally interesting, not to use other words to describe it. The government is, every day, telling municipalities what they can or can't do.

The other way that I could take Mr Gilchrist's comments is as confirmation that what they intend to do through this is not an even trade, because if it was an even trade then they would have no problem. If this isn't the way you want to do it, then there are other ways to ensure the current level of funding is provided. You're not prepared to do that either, so the bottom line is that you expect and are prepared to live with municipalities, once this bill is passed, cutting the funding to libraries.

We don't think that should happen, particularly for the reasons you are doing it, which is to sort of download on to the property tax base a variety of costs so that you can fund the provincial income tax cut. We think that therefore it warrants this kind of amendment because it's the only way left to protect, in light of the actions you're taking, the current level of funding in the library system.

The Chair: Further debate? All those in favour of the motion? Opposed? The motion is defeated.

Page 8, which is a government motion. Mr Shea.

Mr Shea: I move that section 3 of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Libraries continued

"3(1) Every public library, union public library and county library that is governed by this part and is in operation immediately before the Local Control of Public Libraries Act, 1997, comes into force is continued as a public library subject to this part.

"Same

"(2) Every public library board, union public library board and county library board that is governed by this part and is in operation immediately before the Local Control of Public Libraries Act, 1997, comes into force is continued subject to this part.

"Same

"(3) The county library co-operative board established under this part that is in operation immediately before the

Local Control of Public Libraries Act, 1997, comes into force is continued subject to this part."

In many ways, we will remember that this has some technical aspects to it as well. If nothing else, we will recall the submissions made to us by the deputation from Huntsville. I think my colleague from Port Arthur remembers that only too well. This is an attempt to ensure that that instance and others that may be similar to it are adequately addressed and that we lay to rest any concerns they may have about their continuance.

1130

The Chair: Debate? All those in favour? Carried.

Page 9, which is a Liberal motion. Mr Gravelle.

Mr Gravelle: I move that section 3 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsection:

"Metropolitan Toronto Library Board

"(4) Despite the City of Toronto Act, 1997, the Metropolitan Toronto Library Board, or its successor board, is continued as a special library service board to which section 40 applies."

I think everybody in the committee recognizes that the Metro reference library existed, in essence, as a result of the Metropolitan Toronto act, which of course was repealed because of Bill 103. This clause would ensure its continued role as a special service board despite Bill 103. I would anticipate that this would receive full support from the committee because certainly we all realize the extraordinarily important role of the Metro Toronto reference library in terms of its services across the province. In essence, it's an Ontario-wide reference library which serves hundreds of thousands of people. Its role is crucial, it's unquestioned.

We could get into the horrors of Bill 103, but perhaps this is not the place for that. However, one of the aspects of Bill 103 was that this particular legislation basically took away the right of the Metro library to special service status. This amendment would deal with that, and I would hope that it would be supported because of the extraordinary, important role of the Metropolitan Toronto Reference Library.

The Chair: Debate?

Mr Silipo: I certainly would support this amendment.

The next one that follows is one that we have which is similar, although I think ours goes one step beyond in also designating that the Toronto reference library would operate an in-depth, second-tier reference service for the whole province, because that's something that has also been addressed through the hearings.

We certainly would want to see the distinct nature of the Metropolitan Toronto library and the library board maintained, because I think, as everyone recognizes, it does fulfil a function that is different from the rest of the library system.

Mr Gravelle and I were at a meeting just the other night where, among other things, we talked about that with people from a variety of libraries across Metropolitan Toronto. I think there is certainly clear understanding and recognition that the reference library in Metropolitan Toronto serves, as I said, a different function and one that would be difficult to try to encompass under the overall library board, even if this bill were to be implemented here in Metropolitan Toronto.

It's one place where certainly I believe the government can show some flexibility in terms of addressing what throughout the library community is clearly understood as a service that is different from the rest of the library system and is best run, therefore, as a separate and distinct entity with a separate governance structure.

I just hope the government can find its way to support either this amendment or the one that we have following as a way to show that. I really would like to hear, if they can't, why they have such difficulty in doing that.

Mr Shea: Let me respond to the last sentence of my colleague's intervention, because he and my colleague from Port Arthur raise an issue that is obviously of more than passing interest to the minister. Let me reassure them, first of all, that all boards continue to exist, including the Metro reference library board, until January 1, 1998. So we understand there's still a time frame there.

In terms of this particular facility, which I think we all acknowledge is exemplary in its field, it is obviously a facility that requires careful consideration by the transition team. Some significant discussion and consideration is due and is expected by the government. I must also raise the concern that there is the question of the six existing library boards and their relationships and so forth. All of that is yet to be addressed by the transition team.

This amendment has beneath it an approach that I recognize and certainly understand, but I think I have to suggest, on behalf of the government, that we need to give the transition team the time required to make the appropriate considerations. It's not appropriate to suggest we can indeed deal with that in terms of a legislative amendment in the space of a 20-minute clause-by-clause. It is far more significant than that.

That the government is committed to that facility I think is shown in the first instance by the continuation of its funds for this year to the tune of something in the order — correct me if it's wrong — of \$1.5 million, at least at this juncture. I can give you an undertaking that indeed there is some considerable interest on the part of the minister in the future of this facility and the relationship it plays either to the local structure or the relationship it may play within the provincial system. That's something the transition team may want to address, and the minister may want to also give some consideration to it. At this point, the amendment is at least precipitous.

Mr Silipo: Let me see if I can pursue that a little bit more, then. I don't know Mr Gravelle's views on this, but I hear what Mr Shea is saying. If I can take his comments at their most generous, I think he's saying that maybe we haven't heard the last of this one and we might see some changes come through the transition team work.

I wonder whether there would be agreement by members of the committee, then, if we were to deal with this. If the government is not prepared to support either this amendment or the one that would follow, that we have put from the NDP caucus, then would the government be prepared to have a referral directly through this committee? I'm assuming that's possible, Chair, either through the minister or directly to the transition team; in other words, some way of indicating we understand that

this issue is to be addressed by the transition team. We would be sending both motions to the transition team to look at, and that could come back, because obviously, as we understand, some further legislation will be required to implement Bill 103 here in Metropolitan Toronto. I presume that if an amendment like this or changes like this were to be acceptable, they would be in that legislation. I'm suggesting a way that could be dealt with so that we don't have to deal with this.

I would just go one step further in that and say that if Mr Shea feels that having some time between now and when we reconvene this afternoon to consider that suggestion might be useful, then perhaps we could stand down this amendment and the next one and come back to them in the afternoon sitting.

Mr Shea: The difficulty I have with that is that, from my own political background, I'd prefer to give you an answer right now. Prudence of the last several years is now teaching me there may be some merit in simply deferring the two of them for an hour or so, so I have a chance to speak with legal and so forth, and then letting me respond to them. This is an extremely important issue for us all, and we're not being partisan in that regard. I think all around this table really want to ensure the very best is done with this bill particularly.

You may be suggesting an approach, Mr Silipo, that we may be able to use for some other amendments as well, and let me just give some consideration to that. If that responds to your question and if the Chair would undertake to simply let us defer these two until we come back afterwards, I'm happy to defer that, if that's agreeable, until I have a chance to reflect upon it and its implications.

1140

The Chair: The committee is agreed? Mr Gravelle?

Mr Gravelle: Absolutely.

The Chair: The committee is agreed that pages 9 and 10 be deferred perhaps until this afternoon or a later date. I need unanimous consent. Is it agreed? Agreed. The proposed motions are 9 and 10. Pages 9 and 10 are deferred, Mr Shea, until this afternoon some time?

Mr Shea: For pages 9 and 10?

The Chair: Yes.

Mr Shea: If not sooner, I hope.

The Chair: Okay, we'll defer those.

Mr Shea: Which clock are we using, Chairman, mine or that one?

The Chair: I'm about 10 minutes ahead of that clock.

Mr Shea: You usually are, Chairman.

The Chair: Indeed. Mr Shea, the next proposed amendment is yours, on page 11.

Mr Shea: I move that subsections 4(3) and (4) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Same: by county or regional municipality

"(3) If resolutions of the councils of at least two thirds of the municipalities forming part of a county or regional municipality ask that the county or regional municipality establish a public library, the council of the county or regional municipality may by bylaw establish a public library for those municipalities.

"Additional members

"(4) At any time after a public library under subsection (3) is established, the council of a non-participating or separated municipality and the council of a county or regional municipality may make an agreement bringing the non-participating or separated municipality into the public library, and the council shall amend the establishing bylaw accordingly."

It's pretty self-explanatory. We went through that in several cases.

Mr Silipo: I just have a question. At first glance it seems that this doesn't change substantially what's in the bill. Is that correct? I don't understand the change this amendment is making. Does it just take out the reference to the county of Oxford?

Mr Shea: Yes.

The Chair: Further debate? All those in favour? The motion is carried.

Page 12 is a Liberal motion.

Mr Gravelle: I move that section 4 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsection:

"Public consultation

"(5) Before entering an agreement under subsection (2) or (4), the council of a municipality shall,

"(a) establish a public consultation process to ensure that the views of the public and all stakeholders on a proposed agreement are fully considered;

"(b) publish a notice to the public in the municipality advising of its intention to enter an agreement and setting out the public consultation process; and

"(c) consider the views of the public and all stakeholders on the proposed agreement in accordance with its established process."

In essence, this simply adds to the section. It more or less guarantees the general public will be consulted prior to any agreement for a change in the library system, to merge or to disband. The public needs to know, I believe, and this simply puts in legislative form the fact that people will not be surprised by decisions that either have to be made or are just simply made. The public should be involved in this process.

I guess this has some relevance with the passage of Bill 103. There are obviously a number of existing libraries in Toronto, East York, York, North York, Etobicoke and Scarborough, let alone the Metro reference library, which we are deferring, which may have some very dramatic changes. This is just to give some assurance that there will be a public consultation process. Again, I can't imagine there would be any reason why the government would not support a public consultation process.

Mr Shea: In response, the government has no difficulty with public consultation. The difficulty it has with this amendment is that it is calling upon the government to lay upon the municipalities a process which the municipalities themselves may wish to follow in a different mechanism or indeed may be accountable for in the Municipal Act and so forth. There are some other areas where accountabilities are lodged, as my colleague knows. For that reason, I have some difficulty with it.

More than that — not more than that but equal to that, it's passing strange that my notes don't indicate this being raised by any deputant during our hearings. I found that one a curious response. No one seemed to think that indeed councils would go strange and do anything other than what the Municipal Act required of them. In that sense, I won't support that amendment.

Mr Gravelle: It feeds into the fact that I think a lot of what is happening at the provincial level is happening quickly and speedily and there's a need to basically put in some guarantees. I appreciate that putting this in the bill is asking municipalities to do things. It's not unusual for the provincial government to do that. Your response feeds even more into the fact that you just don't want to have anything to do with it, you don't want to maintain any responsibility for the process at all. That's one of the things that concerns us with this bill. Asking for a public consultation process is not offensive and would not be treated as offensive. It just simply guarantees public access to the process. You're quite right: In most cases, that's exactly how it would be handled regardless.

You'll notice that many of the amendments basically speak to the fact that words spoken by the minister or the government state this. There's no sense that this needs to be put into the actual legislation, whereas we feel it would be useful to have it put in the legislation.

The Chair: Debate? All those in favour? Opposed? The motion is defeated.

We are continuing with page 13, which is a government motion.

Mr Shea: I move that section 5 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsection:

"Same

"(1.1) If a board that is in existence immediately before the Local Control of Public Libraries Act, 1997 comes into force is a corporation known in English as The (name of county) County Library Board and in French as Conseil de la bibliothèque du comté de (name of county), the board may continue to be known by those names instead of those set out in subsection (1)."

My apologies for the way the French may have been translated through the microphone.

The Chair: You did a fine job, Mr Shea; if you could provide your rationale.

Mr Shea: It's got that Irish twang to it, I know.

Mr Silipo: It's the technology.

Mr Shea: It's the technology that does it, Tony, that's right.

Mr Sergio: You should practise more often.

Mr Shea: I might.

Mr Silipo: They probably have some good audio stuff in the library.

Mr Shea: That's a good response. We don't charge for it either.

Mr Silipo: Not until you pass this bill. You can get it for free until you pass this bill.

The Chair: Debate? Did you have some comments, Mr Shea? I'm almost afraid to ask that.

Mr Shea: No. I don't think I'll make my comments in French at this point.

The Chair: Indeed. Any further debate? All those in favour? It is carried.

Page 14, a government motion. Mr Shea.

Mr Shea: I move that subsection 5 (2) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Appointment

"(2) The council or councils, as the case may be, shall appoint the members of the board for the public library or county library cooperative established by them or their predecessors."

In the proposed subsection 5(2) and section 6 of the act, the words "council or councils that establish" do not make it clear which council has the power given by the provision. Therefore the wording has been changed to make it clear that council has the power whether it established the library or a predecessor council did.

1150

The Chair: Debate? All those in favour? It is carried.

Page 15, the clerk has just pointed out to me, as I understand, would amend the motion as just amended by Mr Shea, just so we're all clear about that. Do you understand what I'm saying?

Mr Shea: No.

The Chair: As I understand it, the New Democratic motion on page 15 amends the motion we just voted on. All right? Everybody okay?

Mr Silipo: It amends it in a couple of significant ways. Let me just read it.

I move that subsection 5(2) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Number of members, appointment

"(2) The council or councils that established the public library or county library cooperative" — and I guess that would change now to read as per the last one, right?

The Chair: That's right.

Mr Silipo: But the key words would be that this "shall fix the board's number of members, which shall not be less than three, and shall appoint the members in accordance with subsection (2.1).

"Qualifications of members

"(2.1) The board shall be composed of,

"(a) a majority of members each of whom,

"(i) is at least 18 years old,

"(ii) is a Canadian citizen,

"(iii) is a resident of a municipality whose council appoints the members of the board, or a resident of a municipality or local service board area or a member of a band, as the case may be, that has a contract with the board under section 29, and

"(iv) is not employed by the board or by the municipality or county, as the case may be;

"(b) at least one member who is employed by the board and works in a library; and

"(c) if the council or councils wish, one or more of their own members."

This proposal of ours does a couple of important things. One is to establish a minimum number of people to be on the library boards, which we've suggested as being three. I note that my Liberal colleagues have one in which I think they suggested it be five. I personally

could quite frankly live with either one, but we've suggested three. I think that was our sense of many of the suggestions made through the hearings. But I think the essential point is that there be a minimum number which is greater than one, and greater than two, I would argue, because it's important that we be clear that even under this new act there would need to continue to be a board that would actually have some people on it, as opposed to the duties being assigned by council to a bureaucrat or someone else, and so the three.

Then we set out the qualifications in terms of things that I think are generally acceptable: people who would be over 18 years of age, a Canadian citizen, a resident, or under the other pieces of the bill, as through the various possibilities that one can be defined as a resident under this bill. Then we think under (b) there is an important element that could be added to the library board, which is to have at least one of the members be somebody who works for the board and can bring that perspective. Obviously there would be issues of potential conflict in some instances, but I think those can be dealt with under all of the other overarching legislation and regulations that exist. But we think that the addition of somebody who works in the library system would be an important part to add to the composition of the board. Then (c) just sets out obviously that among the choices that council would have, it could have members of council as well.

It sets out very clearly the fact that there would be a minimum number and that the majority would be people who would be residents, as opposed to politicians. Certainly for me that is one of the key issues that has been raised through this whole debate from the time the government decided to open this piece of legislation, which is that they are changing a history that goes back over 100 years by leaving simply in the discretion of the municipality whether there will be a majority of citizen members or not.

We believe it's essential that this continue to be the case. While we see it makes sense for local councillors to be involved on the board, the board should continue to be set up in a way that maintains majority involvement by citizens, because that has worked well. We don't see any reason to change that. While there may be some municipalities that would prefer to do away with that, we think this is one where, in the Ontario-wide public interest, it should remain that we have citizen-dominated boards, and that's what this amendment suggests we do.

Mr Shea: There are a couple of points with this. I preface my comments by reminding us that probably there are three essential issues that flow from this bill on which we will engage in at least a partisan way.

One is the issue of the technicalities, and in that sense I think we're all able to deal with that regardless of how we may view it in any other way. So we can all agree on that.

Then we come down to the two core issues: funding and governance. My colleague addresses the issue of governance head-on, and I applaud that. The concern I have with it obviously is that in entering into the partnership with our municipalities, the government has made it very clear that, as in marriages, trust is an important part, as well as responsibility and accountability.

Municipalities are charged with the responsibility of their libraries and so should not be encumbered with determining how they will select the membership of their board. We went through this debate a number of times as we were on the road, I know, because library boards perceive their function in a way that is significantly different from the way many councils may view it. There is, if not a level of education, certainly an area for tremendous public discourse still before us in this regard. I must confess I was a little distressed to see the dichotomy that seemed to exist between some boards — not all, and not the majority — and the councils.

I remind us, for example, that the part of the motion that is on the floor right now that deals with the issue of age and Canadian citizenship is consistent with the requirements in section 10(1) of the current act. So there's no need to go through this one again.

Mr Silipo: Are you going to take it out or have you taken it out?

Mr Shea: It was consistent with that in the act. The fact is we have said we assume now that the municipalities are responsible for ensuring that they will select the membership of their boards consistent with the best practices for the municipalities.

The issue of the appointment of a library employee is one that is of real concern to the government in as much as it can place someone in a potential conflict-of-interest position. That's of real concern. Again, the council might do that, but really ought to be at least forewarned that there could be a difficulty in that situation.

I am pleased to see that both the Liberal and the NDP amendments reflect the amendment of the government that a minimum number ought to be identified on a board. That was something that was not there when this bill went out for public hearings, as we may recall. It was mute on that. The government was of the opinion at that time that municipalities may wish to set their own levels.

Then there was some concern raised by library boards that some boards may simply appoint the chief administrative officer as the library board and circumvent the intent of the act. The government has responded to that by saying that, certainly in keeping with the Corporations Act, the minimum should be three. I suspect in most cases, certainly in the larger municipalities, the number would be larger than that, but that is something left to the municipality to determine. But certainly the minimum will be three.

Beyond that, on the composition of the board, the bill is mute because we are of the opinion that the council ought to be directly accountable to the electors of that municipality and that the council should be free to reflect the wishes of the municipality, and the composition of the board would from time to time reflect the changing values and objectives of the municipality in that way.

1200

For that reason, I think the essential part that is of concern to both my Liberal and NDP colleagues, that there be a minimum number to ensure that the one that might have been there before is no longer there, has been addressed by the government amendment that calls for three. Beyond that, we continue to represent the responsibilities and accountabilities of the local councils.

Mr Gravelle: This is obviously a central issue and one of the most important issues we will be discussing and fighting for today. The whole concept of a citizen majority and having the board set up in that manner is something that came up continually, and how it worked was expressed in very clear terms by all sides.

To me, this slides very much into the whole point of, why do we have Bill 109? The Public Libraries Act works and works well. We had many examples of how the system can work, and some of them that very much favoured the government's perspective on things. It worked under the Public Libraries Act. There is no need to change this.

Mr Shea just talked about not wanting to encumber the municipal councils. The fact is I think one could make a very, very good argument — and it was made during the public hearings as well — that indeed a citizen majority actually suits the municipalities just fine and that in many cases they will maintain that because this suits the municipal councillors as well.

The fact is, it works. The fact is, it's important. The fact is, this slides into the issue of intellectual freedom and having to make some very difficult decisions, and that a library board made up of a citizen majority can do this in a manner that's less difficult than it is for elected officials and perhaps in a more proper fashion.

As we know, there are three or four very clear, important elements to this legislation that we're all concerned about. This is certainly one of the key ones. The other one perhaps is the whole question of core services and user fees and the whole aspect of provincial funding, which we addressed earlier in terms of my motion. But this is one where the message was loud and clear and this is also the one where one would hope public hearings have an impact. Even those who said, "You don't have to have them" — and I will acknowledge there were certain presentations that did so — said they worked, they can make them work. There were examples of how the present system works. Ultimately the only real reason this bill is here is because of the downloading process. The only reason it's in place is because of the downloading process. The fact is that this aspect of the bill very much worked.

As Mr Silipo pointed out, we have an amendment that follows that talks about a minimum of five members, but I think the core issue is citizen majority. Certainly I want to support that aspect of it. Actually, I just want to clarify with Mr Silipo, and I apologize if I'm being stupid, but in clause (c), "if the council or councils wish, one or more of their own members," which implies there could be more than one council member on it. But that would be if the other requirements are met, therefore the majority would still be in place.

Mr Silipo: Yes. As you know, these things are drafted by legislative counsel, so it's set up in a way that leaves open the possibility — in the "one or more," the "more" would be used, would click in, as I understand it, in the event that there would be more than three. In that case you could have more than one councillor but still retain a majority of citizens.

Mr Gravelle: That's what I read too, but you're right, I'm not a lawyer either. I didn't want to be incorrect there.

This is an extremely important issue. This is one that means a great deal. This is one we heard no matter what part of the province we came into. This is what we hear when I've got 300 individual petitions signed by people. I wish there were a way for me to read their names into the record. These are people who were concerned about this particular aspect, as well as others, and were told there was no point in sending them to the minister because it wouldn't make a difference, which is a pretty awful thing to be told. So we said, "Send them to us and we'll find some way to get them into the record," and I will do so at some point. If I could read them now, I would. These are people who care a great deal and this is a message they sent across. It's a message that's being sent across in an extraordinary fashion in terms of letters and in terms of presentations made at the public hearings, and people calling. So this is one that's important.

Mr Shea, I'm sure, won't argue with me on this, that indeed there is a large outcry to maintain the process of citizen majority on the boards. It's one we think will work. We don't think it encumbers the municipalities. We saw the examples of how it can work and they can work, and we've seen under the Public Libraries Act how the system has worked. Even with some people not liking the system, they made it work. The fact is that generally speaking across the province this process is one that makes sense, one that people feel very strongly about and one that we believe will be ultimately better for municipalities.

I hope that the sense of this amendment, let alone the next one, because if we get this one through and it's acceptable — certainly the bottom line here is citizen majority, whether it's three or five. We felt it should be five, but if indeed the amendment is supported, I would be pleased to support this one.

The Chair: Further debate? If there is no further debate, we will vote on the motion. All those in favour? All those opposed? The motion is defeated.

It's after 12 o'clock. I might say that the Chair's clock and the committee room's clock are about five minutes apart and we will try to rectify that.

We will continue this afternoon and we will call a recess until 3:30 this afternoon.

The committee recessed from 1208 to 1532.

The Chair: This morning, you may recall, we deferred two motions, a Liberal and an NDP motion, pages 9 and 10. Mr Shea, are you prepared to proceed with those?

Mr Shea: I am, Chairman.

The Chair: Mr Gravelle, we're back on page 9, your motion which has been read. We're ready to proceed with debate on page 9, if you wish. I don't know whether it's Mr Shea's call to tell us what he has to say.

Mr Gravelle: That might be useful, Chair, because we talked about deferring 9 and 10 until Mr Shea got back to us.

Mr Shea: Mr Chair, always in the spirit of cooperation and assistance, and in this instance I particularly concur — I refer to what we will refer to here as pages 9 and 10, I suppose, without reading them out precisely unless it is appropriate to do so. I'd seek guidance on that from counsel, just so we don't stumble into the wrong areas.

The Chair: Mr Shea, just so I know what's going on here, there's a motion on the floor moved by Mr Gravelle, which is the motion on page 9. I believe that's the motion we're dealing with. That has already been read into the record, unless we're going to do something else with that motion.

Mr Shea: I was actually about to do that. I was about to move a motion of deferral and a referral, as we discussed this morning, but I need your guidance. Do you want me to read both of them that we're involved with today?

The Chair: I don't know what you're going to say, so you'll have to tell me what you're going to do.

Mr Shea: Then I will tell you precisely what I'm going to do and everybody else can go to sleep for a moment while I carry on.

Mr Silipo: We need to know what you're going to do as well.

Mr Shea: The Liberal motion, which is identified as page 9 of the documents before us, is on section 2 of the bill, subsection 3(4) of the Public Libraries Act. It reads as follows:

"I move that section 3 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsection:

"Metropolitan Toronto Library Board

"(4) Despite the City of Toronto Act, 1997, the Metropolitan Toronto Library Board, or its successor board, is continued as a special library service board to which section 40 applies."

The way you've been ruling, Chair, I presume I'd probably better deal with each of them one by one. Referring only to the item that we refer to as page 9, which I have just read, I will move that this matter — actually, I'm prepared to vote it down, but also to refer it. I don't want to be discourteous to my —

Mr Sergio: Are you calling for a vote?

Mr Shea: Not yet. I'm just trying to sort out the way we should handle this appropriately. But thank you for your alert, Mr Sergio.

What I want to do is put on the table, Chairman, my recommendation that the standing committee on general government recognizes the important role the MTRL has played within the local and provincial systems and refers the attached motions to the transition team as examples of an issue they may wish to consider. When I say I'm referring that, I'm referring to what we have identified before us in documents as pages 9 and 10, one being the Liberal motion of Mr Gravelle and one being the NDP motion by Mr Silipo.

Chair, I need your guidance on whether we are prepared to vote the motion down — and there may be a procedural matter here of voting both of them down to at least make sure there's no misunderstanding of what we're doing — but I don't want them to disappear from our view. I would like them to be captured and referred on, in the spirit of our conversations, because we would like to have engaged in the conversation. It's procedural advice I'm seeking from the Chair. I mean that with the best spirit of cooperation.

The Chair: I guess the problem is that we have Mr Gravelle's motion on the floor.

Mr Shea: Yes, you do. He could withdraw it.

The Chair: We'll either have the vote on that or he'll have to consent to doing something with it, withdraw it or whatever. Are you suggesting that I as the Chair write the transition team or committee asking them to consider these proposed amendments?

Mr Shea: What I am suggesting is that the standing committee recognizes the importance of these documents and in fact it refers these two motions, not passed, to the transition team as an example of an issue they may wish to consider.

The Chair: Well, I have some speakers on the list; we'll hear what they have to say. Mr Silipo.

Mr Silipo: I sense that we have agreement if we can just sort out the procedural way to do it. What I hear Mr Shea saying is that he's agreeable to having these motions, rather than voted on — although I think he did say "voted down," but from our perspective, I would not want to see the motions voted down. What I would like to see is what Mr Shea has suggested, which is that we refer these to the transition team with a request that they consider them. I would be even more comfortable if there was agreement that we ask the transition team to consider these, understanding that there will be additional legislation coming forward as it relates to Metropolitan Toronto and they may or may not then form part of that legislative package.

I think I understand the position Mr Shea is in. He's not able to tell us at this point whether the government will agree to do that second part. While I may disagree with the position on that, I understand the position he's in. If there is a way in which this issue can be left open at this point, I think it behooves all of us to take that road as opposed to voting this down or voting it up.

Procedurally, Chair, given that the motion from Mr Gravelle dealing with the first amendment is on the floor, is it out of order to have an amendment deferred once it's been put? If not, Mr Shea's motion to defer it would be quite in order.

1540

Mr Shea: It wasn't meant quite that way. I was seeking the advice of the Chair. Chairman, just to be of assistance here, there are a couple of ways to proceed. First, we can certainly vote on the motions, and they may be passed or they may be defeated. If they were defeated, I would still want to put forward my motion, out of our discussions, to ensure that it is not lost from sight. That is an undertaking I have no difficulty with at all. That would be the clearest and cleanest way for us to proceed.

There is a second way to proceed, I would think — and the Chairman may wish to give some advice — and that is for both the Liberal and the NDP caucus to withdraw their motions and for the motions to be collected up and forwarded on to the transition team for consideration. But I don't know how to do that, because it will not then have been before us.

Mr Silipo: That's my point, Chair: Is it out of order to have a motion to refer once you've got a motion like Mr Gravelle's on the floor?

Mr Shea: Let's just do a vote and then I'll do the motion after.

The Chair: Can I ask the committee members a question? Assuming we ultimately finish the clause-by-clause debate, what happens to these two sections? Assuming that we agree these sections would be referred to the transition team, what happens to the report?

Mr Shea: If we went to a vote now on these two, if the votes were — let me take the most negative side: Suppose they were both to lose. I would still take it upon us to ask the committee to give consideration to referring these motions to the transition team as an example of a concern. I think that still gives effect to the issues raised by both parties.

The Chair: Would this committee be in a position then to report to the House?

Mr Shea: All the committee would report to the House is that 9 and 10 were not carried.

The Chair: I had some other speakers. Mr Gravelle.

Mr Gravelle: It's somewhat encouraging to hear what Mr Shea is trying to do here, but we want to make sure that actually has some real value to it. I would prefer not to have the amendments voted down. The issue itself truly stays alive if we are in a position where what you're doing has some real value to it. I think what you're trying to do is to make sure it has some impact. If we can find the correct wording in terms of how this is passed on for consideration, and if Mr Silipo agrees, I would rather withdraw the amendment on the basis that there is a further process going on so that this issue is still being dealt with — if that is the best way to deal with it, rather than have them voted down. I perhaps need some guidance as well.

The Chair: Mr Gravelle, I'm just asking the Clerk. I'm not sure, unless you feel strongly about it — if you withdraw, can you bring it back again? I don't think you can.

Mr Gravelle: I don't think I can either, but what we're trying to do is to find some solution here that the amendment ultimately has some value. If it's withdrawn and it is referred and carried on to the transition team with the appropriate wording, that may have more value. But I don't want to withdraw it if that's not going to be effective. I want to be as clear as possible. But if indeed it is being officially referred by the standing committee to the transition team, that has some value. That means the issue is no longer —

The Chair: My belief is that whether it's withdrawn or whether it's defeated, Mr Shea has indicated that he is prepared to recommend that this be sent to the transition team, which I gather is your intent and Mr Silipo's. If it goes there, it doesn't really matter whether it's defeated or deferred or withdrawn; that's your aim, to get it there and get them dealing with it.

Mr Sergio: If it's defeated, there is no motion, with respect, Mr Chair.

The Chair: You're right. It's gone, as far as the bill is concerned. But in terms of its going to the transition team, they would be dealing with it.

Mr Sergio: I have a problem with that. I think staff can help us with this without wasting too much time. If the motion on the floor now is put to a vote and defeated, that's the end of it; it doesn't go anywhere, the way I see it.

The Chair: That's right.

Mr Sergio: I would rather suggest to my colleague that the motion be dealt with and the request be that it be referred to the transition team, period; that we don't debate it and that the only vote we take is on the referral to the transition team. Once we vote on it and the motion is gone, it's gone; there's nothing else to debate.

Mr Silipo: Chair, I think we're getting ourselves into a procedural wrangle that we don't need to. You have a motion on the floor from Mr Gravelle. If it's in order for a referral motion to refer that amendment, all we need to do is to deal with the referral motion, if Mr Shea is prepared to put that. That means that as far as the amendments are concerned with regard to this bill, we won't have dealt with them but will have referred them somewhere else. I think we all understand that in doing that, the section in the bill would go forward without the amendments. The bill would not be held up. If anything comes back from the transition team involving what we are seeking, the continuation of the Metropolitan Toronto Reference Library board, the place to put that in legislation would be in the bill that is yet to come, which is the accompanying bill to Bill 103, and then we'll deal with that issue at that time.

Procedurally, I think we're making more of it than we need to. If there is a problem with referring a motion because it's already been put, I think Mr Gravelle has also suggested that he's prepared to withdraw his motion. Then we could deal with these two amendments, either now or later on, by way of referring them to the transition team.

The Chair: Subject to what members have to say, it seems to me that this motion either has to pass, it has to be defeated, or it has to be withdrawn; otherwise, this bill will stay in limbo forever. In other words, the motion has to be dealt with. What Mr Gravelle does with his motion is his business. But after this motion has been disposed of — withdrawn, defeated, passed — Mr Shea is undertaking to introduce a motion that this whole topic on pages 9 and 10 be referred to the transition team. That would enable this committee to report to the House and the transition team would continue to work on this topic.

Are we in agreement?

Mr Gravelle: So it cannot be referred in its present state.

The Chair: The motion has to be dealt with by this committee. You have to either withdraw it or allow it to be voted on.

Mr Gravelle: I'm not so sure. I'm pleased that Mr Shea is committed to doing this. What I'm mulling over right now is whether it is better to withdraw or simply to have the vote taken. Mr Shea, in either case, has agreed to carry it on in this referral sense, and I take it he will not take umbrage at either process we use.

Mr Shea: Chairman, I spent virtually an entire week with the distinguished member for Port Arthur and took no umbrage at any time. I see no reason to change my position now.

The Chair: I think that's wonderful, but I'd like to get on with this somehow.

Mr Shea: That's why you're getting the big bucks as Chairman.

My advice would be to pick up on what Mr Silipo has said. It would seem to be a little easier, a little cleaner, simply to withdraw the two amendments.

1550

Mr Gravelle: I withdraw my amendment.

Interjection.

The Chair: Mr Shea, we do not have a motion on the floor.

Mr Shea: Right. That motion has been withdrawn. I have nothing on the floor either.

Mr Silipo: Mr Chair, I think what I'm hearing from Mr Shea is that he's prepared to move the referral motion after we finish with all the other amendments.

Mr Shea: Then, when we've completed everything, we'll deal with this. We'll pull this together —

Mr Silipo: That's fine. All I would seek to do at this point is to read into the record the amendment that we had put, which I understand Mr Shea will then incorporate into the referral motion.

Mr Shea: Understanding you will then withdraw it.

Mr Silipo: Yes. I'm not moving it, I'm just reading it into the record, and that is that section 3 of the Public Libraries Act, as set out in section 2 of the Bill, be amended by adding the following subsections:

"Metropolitan Toronto Library Board

"(4) Despite the City of Toronto Act, 1997, the corporation known as the Metropolitan Toronto Library Board is continued under the name "Toronto Reference Library Board" in English and "Conseil de la bibliothèque de référence de Toronto" in French.

"Same

"(5) The Toronto Reference Library Board shall, in addition to its powers under subsection 40(3), operate an in-depth second-tier reference service for the whole province."

My understanding is Mr Shea will then move a motion to have this and the Liberal amendment that we've just had withdrawn by Mr Gravelle referred to the transition team.

Mr Shea: So we're clear, Chairman, that what we know as pages 9 and 10 of the documents the amendments, the Liberal and the NDP motions, have now been withdrawn.

The Chair: That's our understanding, yes.

Mr Shea: In the meantime, as we get towards the end we're asking staff to sort of redo a motion now that maybe —

The Chair: Do you want to go on with other things?

Mr Shea: Oh, yes, let's carry on. I'll deal with that at the end.

The Chair: All right. Are we happy to set this matter down again? Okay? Then we'll move on to page 16, which is a Liberal motion.

Mr Gravelle: I move that section 5 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsections:

"Size and composition

"(2.1) The board shall be composed of at least five members, a majority of whom must be persons who are not members of an appointing council.

"Qualifications for membership on board

"(2.2) A person is qualified to be a member of a board if he or she is a member of the appointing council or is

a resident of the municipality or county for which the library has been established and if he or she is not employed by the board or the municipality or county.”

I want to use this opportunity to make one last plea to the government to listen to what we heard in the public hearings, what we’re hearing from the library boards, the friends of the libraries and all the communities we went to across the province.

The fact is that citizen-majority boards are a system that has worked and we know will continue to work. We truly fear we’ll put the system in a very bad situation if they are not in place any longer. It’s an appeal that I make on behalf of the four million library users in the province, in terms of the over 400 public library systems in the province.

Again, I would love to have the time to read the names of the people on this list in front of me. It’s very important to them that the board structure be put that way. I think we recognize that when the minister put her bill forward, she was setting up a situation that could lead to the public library system in terms of the board system simply not working. It was a compromise that I don’t think met the needs of what the library users in this province have made clear is needed. The fact is the library boards, as they are set up under the Public Libraries Act and as they would be if this amendment is passed, are extremely accountable. We all understand that municipalities already have line-by-line control of the library budgets. I think it’s fair to say that most municipalities have found the system that works very effectively and are glad to have the system in place that they do.

I recognize this is somewhat different than the previous amendment this morning by my NDP colleague Mr Silipo, but I think it speaks to the same interest, which is the very strong feeling in all parts of this province that a citizen-majority board is a crucial element. I absolutely hope the government will use this opportunity to listen one last time and support this amendment.

Mr Silipo: Very briefly, I concur wholeheartedly with Mr Gravelle on this. I certainly will support the amendment. As he said, there are two important principles here, the most significant one being the maintaining of the majority of citizen members on the board, and the other in this case is suggesting a minimum of five members, which, as I indicated earlier, I’m certainly comfortable with. But that basic principle which we know is at the heart of the existence of the system of library boards, which have a majority of citizen members, is something the government proposes to do away with in its bill. I think they really are wrong in doing that, and I hope over the course of the break they’ve had an opportunity to think about that one last time, as Mr Gravelle says, and come to their senses on it.

Mr Shea: Notwithstanding the encouragement of Mr Silipo — I have reviewed it — he knows my position is still very firm on trusting the municipalities and trusting their capacity to appoint appropriate representatives for library purposes in the municipality. So I have grave difficulties in supporting the amendment.

More than that, I also express some concern that the recommendation is even more restrictive than the current act. It surprises me, for example, that the amendment

defines “residents” in terms of their relationship with the establishing municipality and not those of municipalities contracting with the libraries. In that sense it is even more restrictive and for that reason is probably not one that might encourage NDP support, but certainly that’s a concern I have.

Nevertheless, my overriding and fundamental position is consummate respect for the municipality and its ability to choose wisely. I’m sure you share that with me, that being a very stated position of AMO as well.

The Chair: Further debate? All those in favour? Opposed? The motion is defeated.

Page 17, Mr Gravelle. It is a Liberal motion.

Mr Gravelle: I move that section 5 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Public notice of vacancies

“(6) The appointing council shall not appoint a person to fill a vacancy under subsection (5) until,

“(a) the clerk of the council has published a notice to the public in the municipality advising of the vacancy and inviting applications to fill it; and

“(b) 30 days have passed since the publication of the notice.”

Quite clearly this does set up a process which is legislatively mandated to advertise vacancies on library boards. This is something that I think has been called for for some time by the library community, and it’s simply an opportunity to put in the bill something that makes a great deal of sense, to let the public know there are vacancies occurring so those people who are interested, and there are many who are, are aware of those vacancies, opening up the opportunity for people who might not otherwise be aware of a vacancy to apply for that position. I hope this would be one amendment the government could feel it could support.

The Chair: Further debate? All those in favour? Opposed? The motion is defeated.

Page 18, Mr Gravelle. It’s another Liberal motion.

Mr Gravelle: I move that section 6 of the Public Libraries Act, as set out in section 2 of the bill, be amended by inserting “subject to section 5,” after “shall” in the third line.

This in essence refers back to the fact that there were amendments previously that dealt with the library boards, and I felt that if indeed we were successful with the previous motion, support for this would make a great deal of sense, which was of course looking for the protection of a majority of citizen participation on library boards.

Mr Gilchrist: If I might make a point, Mr Chair, since it refers to an amendment which was defeated, is this amendment not out of order?

The Chair: I agree. It’s out of order.

Next, page 19.

1600

Mr Shea: I move that section 6 of the Public Libraries Act, as set out in section 2 of the bill, be amended by striking out the first three lines and substituting “A council or councils, as the case may be, shall, in respect of the public library or county library cooperative established by them or their predecessors, pass a bylaw setting out.”

I won’t belabour that one. I think we’re clear on it.

The Chair: Debate? All those in favour? Opposed? The motion is carried.

Page 20, which is a government motion, Mr Shea.

Mr Shea: I move that clause 6(a) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"(a) the size of the board, not to be less than three members, and its composition."

Mr Silipo: We shouldn't let this go by without noting that of all the major issues that were brought through the hearings in front of this committee, this seems to be the only substantive issue on which the government is responding positively, that is, setting out a minimum number. On the other issues they are not, at least so far, and I fear they won't as we go through the rest of the bill. I'm happy that at least they've managed to find their way to supporting the notion that there should be a minimum number of members.

Mr Gravelle: I want to make the point as well that certainly one of the fears was that there would be no particular requirement in terms of numbers at all. That was a great concern we had. Clearly this does not meet the needs that we believe the library community has made clear and the people in the province have made clear, but I recognize this is an adjustment.

The Chair: Further debate? All those in favour? The motion is carried.

Page 21 is a New Democratic amendment.

Mr Silipo: I move that subsection 8(4) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"Same

"(4) The council of a municipality, county or regional municipality may, subject to the minister's approval, dissolve a public library board where the board has not maintained and operated a public library during the two-year period immediately preceding the dissolution."

The essential point here, if I may speak briefly to it, is that we're proposing, as I think has been suggested during the hearings, that a library board not be dissolved simply on the decision of the council, whatever the council may happen to be, without approval by the minister. Where a council wishes they are not to be any longer, there should at least be the requirement that this be done subject to the minister's approval and also a period of time during which the board has not operated in order for that action to be taken up.

The Chair: Further debate? All those in favour? Opposed? The motion is defeated.

Page 22 is a Liberal motion.

Mr Gravelle: I move that section 9 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsection:

"Minister to table bylaws, agreements

"(3) The minister shall table a copy of every bylaw or agreement he or she receives under this section before the assembly if it is in session or, if not, at the next session."

This is important. As we go through this process and recognize that a number of the amendments we felt were very crucial, that would give us more assurance, are being defeated by the government, we feel very strongly a monitoring requirement needs to be in place so we can

follow closely what's happening in terms of libraries, when some of them have been closed, when they are going through the amalgamation process and other such things. This is something I don't think is unreasonable, but what it does is it certainly requires the minister and the Legislative Assembly to be aware of what is absolutely happening by having them tabled in the Legislature.

I hope the government wouldn't find this difficult to support, or offensive, because it's just a question of information being readily available so we can monitor and follow this. I think a number of the amendments that deal with being able to at least try and monitor the situation are important. As I said, I hope this particular amendment — and it would be nice to have one amendment supported by the government — would help us keep track of what's happening.

The Chair: Debate? All those in favour? Opposed? The motion is defeated.

Page 23 is a Liberal motion.

Mr Gravelle: I move that clause 10(1)(a) of the Public Libraries Act, as set out in section 2 of the bill, be amended by inserting "to provide a comprehensive and efficient public library service" after "libraries" in the first and second lines." The word "libraries" is on two lines in the bill.

We view this as something to strengthen the language so the board not only operates, but it shall provide comprehensive and efficient public library services. This perhaps falls into somewhat of the same category I mentioned before. We just want the minister and the government to be accountable. Again, we've heard that is their intention. This is a minor change but one that is important, because it does strengthen this particular section. I hope it will no problem for the government to view this as something that does not put it in a difficult position. It doesn't make the bill read differently. It simply makes it stronger and more clear that that's what is expected under this bill.

The Chair: Further debate? All those in favour of the motion? Opposed? The motion is defeated.

Page 24 is a New Democratic motion.

Mr Silipo: I move that clause 10(1)(b) of the Public Libraries Act, as set out in section 2 of the bill, be amended by striking out "may" in the first line and substituting "shall."

It's just one word, but it's an important word. The section, as amended, would ensure that boards would be required to cooperate with other boards in order to provide a comprehensive and efficient public library service linked to the province-wide public library network. This is simply saying that when it comes to the link within the different libraries, there would be a province-wide public library network. I know the minister has been very strong in saying that would continue to be the case, yet the legislation, as originally drafted, simply leaves that up to the various boards as to whether they would cooperate or not. We're saying there needs to be the same kind of direction here as there is with respect to some of the other duties and powers that have been outlined in this section for the boards.

I don't see, for example, why we say under sub (e) that the boards "shall" regulate the time and place etc of

a notice to be given for the holding of public meetings but on something like the coordination of services or the cooperation between boards it's "may." Again, I hope this is something the government members can find acceptable, because as I see it and as I reflect upon what was said, changing the word from "may" to "shall" would be much closer to what the government has been saying it wants to do with respect to ensuring cooperation across the system.

Mr Gravelle: I want to support what Mr Silipo is saying. It's a minor change; it's an important one. It does very much tie in to what the minister has said publicly and would make a difference that is not profound but is significant. I hope it would be supported.

The Chair: Further debate? All those in favour? All those opposed? The motion is defeated.

Page 25.

Mr Gravelle: Let's take another run at that. I think Mr Shea will comment on this.

I move that clause 10(1)(b) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"(b) shall cooperate with other boards and the provincial government to access local, provincial, national and global information through the province-wide public library network."

Mr Silipo: I won't be offended if you support his amendments.

Mr Gravelle: Yes, exactly. Mr Silipo has made it clear that if you support this one, even though you didn't support his last one, he won't be offended. He will be pleased to have it passed.

It's a minor change, but it's significant, and it's one that ties right into what the minister has said publicly and I am sure will say publicly again. It would be awfully nice to have that adjustment made so her words can be reflected in the legislation.

1610

Mr Shea: I am enticed by your encouragement and by your kind words, but not trapped.

Mr Gravelle: Trapped?

Mr Shea: It is a little more prescriptive. For that reason, I would stay with the government's proposals.

Mr Gravelle: I'm stunned.

The Chair: Further debate? Could we have a vote on the motion?

All those in favour? Opposed? That motion is defeated. Page 26 is a Liberal motion.

Mr Gravelle: I move that clause 10(1)(c) of the Public Libraries Act, as set out in section 2 of the bill, be amended by striking out "seek to" in the first line.

In other words, it would now read: "shall provide library services in the French language, where appropriate." I will be startled if the government doesn't support this. It's something that makes sense, to simply make that clear. I would hope that the striking out of those two words would not cause them any difficulty at all. It simply is one that clarifies the precise role, as I think it should, and I trust it's helpful.

The Chair: Further debate?

All those in favour? Opposed? The motion is defeated.

Mr Sergio: He's startled.

The Chair: I guess he's startled.

Page 27 is a Liberal motion.

Mr Gravelle: I move that subsection 10(1) of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following clauses:

"(d.1) shall hold regular meetings at least four times a year and at such other times as it considers necessary;

"(d.2) shall make board meetings open to the public, except where the board is of the opinion that intimate financial or personal matters may be disclosed and that the desirability of protecting against the consequences of their public disclosure outweighs the desirability of holding the meeting in public."

This is simply a legislative way of requiring that board meetings be public meetings. It's something that I think makes a great deal of sense. If you're going to have a library board, it makes sense to have public meetings and to have a certain required number every year. I would hope the government would support that.

The Chair: Is there further debate?

Mr Shea: Just to suggest to my colleague that indeed the government did listen very clearly and, as he will note, there is an amendment the government has put forward dealing with the public nature of meetings. But I appreciate his comments in that regard.

Mr Gravelle: So you're thinking of supporting this, in other words?

Mr Shea: No, I'll be supporting the government's amendment.

Mr Silipo: He's trying to make the wording better in this one.

Mr Gravelle: If it's close —

The Chair: We don't appear to have any further debate.

All those in favour? Opposed? The motion is defeated.

Page 28 is a Liberal motion.

Mr Gravelle: I move that clause 10(1)(n) of the Public Libraries Act, as set out in section 2 of the bill, be struck out and the following substituted:

"(n) shall set policy on all matters connected with the management of the public library."

We think "shall set policy" is a better term. It reads now — if I can just find it here — "may regulate all matters connected with the management of the library." "May" suggests that the responsibilities may ultimately go elsewhere. I think we'd really want to be careful about that, because we're quite worried about that possibility, in terms of the responsibilities going elsewhere.

"Regulate" is a word that doesn't give one the greatest confidence. The concept of setting policies, as in "shall set policy," simply works better and is more directive and certainly seems more appropriately clear in terms of what the board should be doing. I would hope this would be considered not a major change, but one that clarifies things in a helpful way.

The Chair: Further debate?

All those in favour? Opposed? The motion is defeated.

Page 29 is a further Liberal motion.

Mr Gravelle: I move that clause 10(2)(a) of the Public Libraries Act, as set out in section 2 of the bill, be struck out.

This is important. It's a question of using any outside services or personnel. This clause, as written, is absolutely unnecessary. More important, it ultimately ends up being an attack on library workers themselves, or at least it sets up the situation where library workers will not be the ones who are doing the work. I think it's quite inflammatory.

There's no reason why this needs to be put in place, but more important, it's important to recognize that the people who work at the libraries are the ones who should be doing the job. This sets up a situation where we are talking about potential privatization and a situation where library workers themselves may not do the job. I consider it one that is clearly inflammatory and should be withdrawn by the government. I feel strongly about this and I know many others do as well. It's been an issue that has come up in a variety of public meetings as well. I would seek support on that.

Mr Silipo: Chair, as you will note, we have an identical amendment which follows, so I will speak to this one and just reiterate how important we believe it is to remove clause 10(2)(a) from the bill. That subsection (2) says:

"To the extent it considers it expedient, the board may,
 "(a) use any outside services or personnel."

It gives the library boards the ability to privatize and contract out services, which we don't believe should be the case.

This is an issue that was raised by CUPE members and others throughout the presentations, about the importance of maintaining the library system with people who are direct employees of the library system and of the library board. I believe that's a very fundamental principle that this government should not be changing.

The Chair: Further debate?

All those in favour? Opposed? That motion is defeated.

Mr Silipo: are you going to read this motion in?

Mr Silipo: It's the same, Chair.

The Chair: Yes, it is. Are you withdrawing it?

Mr Silipo: I'm assuming you'd rule it out of order, since we just dealt with it.

The Chair: I would.

Page 31 is a government motion.

Mr Shea: I move that section 10 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsections:

"Open meetings: exception

"(4) Board meetings shall be open to the public, except that where the board is of the opinion that intimate financial or personal matters may be disclosed at a meeting and that the desirability of protecting against the consequences of their public disclosure outweighs the desirability of holding the meeting in public, the board may hold that meeting in the absence of the public.

"Excluding person

"(5) Despite subsection (4), the presiding member may exclude any person from a meeting for improper conduct."

The Chair: Debate?

Mr Gravelle: I'm glad to see the government agrees there should be public meetings. I'm just curious. What would one define as "improper conduct"? How do you

define that? Have you been able to do that? I'm just curious as to why you put that in.

Mr Shea: "Improper conduct" has been defined in Robert's Rules of Order; it's been defined in Bourinot; it's been in a number of sources. In most cases, the chairmen and chairwomen of meetings are quite capable of judging behaviour that's appropriate to the circumstance and the setting. I don't think one needs to spell it out beyond that.

Mr Gravelle: I think it's odd to have it in there.

Mr Silipo: Not to belabour that, but can anybody tell me whether that exists in the present act?

1620

Mr Shea: Yes, it does.

Mr Silipo: The same words?

Mr Shea: Yes.

Mr Silipo: So we're just reiterating the same words. Okay.

The Chair: Debate?

All those in favour? The motion is carried.

Page 32 is a Liberal motion.

Mr Gravelle: I move that subsection 11(2) of the Public Libraries Act, as set out in section 2 of the bill, be amended by inserting "who shall be the chief librarian and" after "employee" in the first line.

This is a rather important point to put in. The way it reads now in the draft legislation is, "A board shall appoint an employee who shall...." It seems to me to have it read, "A board shall appoint an employee who shall be the chief librarian and who shall..." simply recognizes the importance and value of a chief librarian and the need to have a chief librarian in the library system.

It opens the door, and concerns me, flipping back to the outside service or personnel amendment to some degree. To say that you're appointing an employee who basically runs the system and to not call them a chief librarian seems a little unkind and harsh and unnecessary. It might be useful to simply define them as the chief librarian.

The Chair: Further debate?

All those in favour? Opposed? That motion is defeated.

Page 33 is a Liberal motion.

Mr Silipo: On a point of order, Chair: I'm curious in terms of how you're going through this. Are you going to go back and deal with the sections after we've done the amendments?

The Chair: Yes. We haven't finished section 2 yet. When we finish section 2, we'll vote on section 2, as amended. Then when we come to section 3, we'll vote on section 3.

Mr Silipo: Oh, I see. I was looking at them as subsections in the bill. That's fine.

The Chair: We're still on section 2 of the bill. Now I've lost where I am. Page 33.

Mr Gravelle: I move that section 14 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsections:

"Free core services

"(2) However, no fee or charge may be imposed for the following public library services:

"1. Admission of any person to a public library.

"2. Use by any person of a public library's collection in the library, regardless of format.

"3. Borrowing from a public library, by residents, of all circulating collection materials, regardless of format, including materials specially formatted for persons with a disability.

"4. Use by any person of a public library's reference and information services.

"Definition

"(3) In subsection (2),

"'resident' means a person who lives in the area of jurisdiction of the public library board."

This is a very important area in terms of this entire bill and what was one of the absolute key issues at the public hearings, one of the key issues that people such as the ones I mentioned several times have written in on, that have been made clear to us by many of the library users in the province and those who care about libraries, and most of all those who care about accessibility.

On core services, the government will say, "We're providing core services to print material." It just seems to me to be absurd, when you've got a government that's providing material in almost all fashions in electronic format to libraries, to not guarantee that access to that information will be free. There are many other examples of that. This is truly an accessibility issue.

The government may say, and perhaps we'll be hearing this shortly, that user fees will not be a real burden and this will make up for the lost transfer payments. But when you define core services in such a narrow way when the world is changing, when we're being told about how much the world is changing, and you put the libraries in the position where they are forced to use user fees in order to just maintain themselves, you reduce the usage and the availability of it to a large segment of the population. People know that is the case.

It also comes down to whether or not you believe that libraries should be accessible to all, whether or not you believe that libraries are a place of lifelong learning, whether or not you believe that libraries are the place where people — they're one of the most democratic places we have in our society. They are a gathering place and a community centre in many circumstances. Certainly, up in northwestern Ontario, I can tell you that in communities like Ignace, Dryden, Geraldton, Longlac, Beardmore, all these communities that made presentations, it's very important that these places remain very open to people and they are accessible to people.

The definition of core service continually came up as being way too narrow and not being fair to the people who should access the service, and the fact that services are changing, the fact that so much information is coming through the electronic format. I think it's important. It's very important also not to view a lot of the material that is available as being frivolous. We had various committee members making comments about the video collections in libraries. If you go and visit a library, you'll see how important the video collection is; it's not a frivolous collection.

As I say, this is one of the three core issues that we've been pointing at. There are a lot of things we're concerned about in this bill. We're very concerned about the system truly changing. I do think this is the one that is putting the existence of the libraries and their ability to

carry on and their ability to have themselves as a truly open and democratic place where everybody can come in, people of all ages, people of all means — when you start setting up a system that basically means accessing it is determined by your ability to pay, you are changing how fairly we view the world. We all recall this week there was an editorial in the *Toronto Star*, "Saving Libraries," which I think made the point very clearly.

It comes down to whether or not the minister and the ministry and this government believe that libraries should be truly accessible to people. I don't think you can get away with saying that by limiting core services to print material, you are doing that. This is an issue that's quite emotional. I've talked to a number of people about it and I'm sure I will be talking about it afterwards.

It's one way the government is making a big mistake and, perhaps more significantly, going in a direction that is going to damage the ability of the libraries to truly function in the way they need to and simply be open to the public. If we really care about the public and we care about literacy and we care about the education system, limiting core services in the manner that you have is unacceptable. I speak on behalf of a huge number of people when I ask that this amendment be given serious consideration.

Mr Silipo: This is truly one of the main issues in this bill. There are two things that are happening. First of all, I should just note that we have a similar amendment to Mr Gravelle's. The wording is different but the result is the same, with the one exception that ours amplifies the definition of "resident" in the second subsection a little bit more, to take into account people other than those who live in the jurisdiction, as we have in other sections of the bill.

Let me just come back to the main issue, which is that one of the things the government is doing by this bill is taking out of the existing act, the Public Libraries Act, the protection that now exists in law that access to libraries and the use of library materials should be free of charge, and secondly, that the borrowing of materials from libraries should be free of charge.

Those two protections, those two rights exist now in law. The government is proposing to take those completely out of the legislation, and the only thing it has offered in its stead is a regulation to be made under the Municipal Act, which doesn't even protect to the same extent what is in the act right now.

For both of those reasons — because they're taking the protection or the right that all of us as citizens of Ontario now have out of the legislation and putting it into regulation, and then they're watering down that right to say — at least in the draft I have, which was tabled, I understand, when the bill was tabled — that the only materials people can borrow from public libraries free of charge would be books or other printed material. Materials such as cassettes, materials available through the computer system, people would have to pay for those.

1630

If we're even half-serious about the notion of information, not just in the foreseeable future but today, we know that information comes at us now no longer just in printed material but it comes to us electronically. Surely

if we're serious about saying that libraries ought to continue to provide services generally free of charge to our citizens, and that we pay for those services, because they are good basic services, through our taxes, that protection should, first of all, continue to be in the legislation, not in regulation. People know that regulations can be changed without notice to anybody. They can be changed simply by cabinet decision, whereas the protection in the law at least would mean that any contemplated change would have to go through the Parliament. Second, if we're serious about access to information, as I say, not just in the future but today, given the changes that are happening all around us, then I can't understand why the government would want to take out the protection of free access to materials that are not in print, that is, electronic materials.

For both of those reasons, I just can't for the life of me understand, unless of course the government wants or expects that there will be significant user fees, which we have been saying will be the case and which we have been saying is one of the tradeoffs they have made with municipalities on this. They expect to see a variety of user fees come into effect, and by taking this protection out of the law and putting it into regulation, they are facilitating that happening and facilitating more and more changes being made over the course of the next couple of years that would allow for more and more user fees to be established simply by regulation; or not even by regulation, because they would be able to do it subject to any restrictions imposed by regulations.

For both of those reasons, I find this one of the most offensive parts of the bill. I don't have a sense that the government's going to change its mind at this point, but I hope members of the government really think this one through. If you can't support our amendments on this one today, there's still time before the bill becomes law, as we take it back to the House. This is one on which you're making I think a major, major mistake.

Mr Shea: Just to rejoin that in part, as my colleagues know, Bill 26 does in fact set out rules for boards. It does address a number of the issues raised in this Liberal amendment. But the amendment also raises a question, I think rightfully so, because it came out of the hearing, and that is the definition of "collections," and therein there has been some misunderstanding.

The bill may refer to the print material, and certainly the books, but there is no question in the mind of the government that there will be a best-practices description of collections. Indeed I think it would be worded somewhat in the fashion of "all informational materials and resources which have been purchased, leased, licensed, created or otherwise acquired by the library specifically for multiple use by the public." I think that begins to address some of the concerns, particularly as we're dealing with some of the electronic concerns and the shift that's been taking place in materials provided for the libraries.

In that sense I am heartened to hear my colleagues set out wording that is an echo of Bill 26 and some of the provisions provided therein. I give them comfort that a best-practices model will be forthcoming.

Mr Silipo: A question of Mr Shea, if I may. Is he saying that the government will change the proposed

regulation to ensure that the borrowing of materials, including non-print materials, will be free of charge?

Mr Shea: What I'm saying to you is that (a) a best-practices model will be presented, and (b) the regulations, as you know, can always be expanded rather than detracted. So that's the good news about regulations.

The Chair: Any further debate?

Mr Silipo: I'm sorry, I'm not trying to be difficult. I don't understand that answer. Does that mean they will or they won't?

Mr Shea: They will not.

Mr Silipo: They will not be charged.

Mr Shea: There are no changes contemplated. There may be some expansions to regulations and there will also be a best-practices model that is presented.

Mr Silipo: Here's my problem. I have in front of me a document that says: "Regulation to amend Ontario regulation 26/96 made under the Municipal Act." This I gather is what was tabled with us at the time the bill was introduced, which sets out the intended regulation that the government would pass under section 14. Right? Under that it says:

"(2) A municipality or local board does not have the power...to impose fees or charges for,

"(b) use by the public of its libraries' collections in the library;

"(c) borrowing from a public library, by residents, of books and other printed material."

It means they can charge for non-print materials to be borrowed. That's why I was asking, is this going to be changed? Does what Mr Shea said earlier mean that in fact the government is intending to change this regulation to also ensure that borrowing from a public library of non-print materials will be free of charge?

Mr Shea: I don't see this changing, if that's the question you're asking.

Mr Silipo: Then what was all that you said earlier about?

Mr Shea: In terms of the electronic. One of the concerns being raised by Mr Gravelle is about electronics.

The Chair: Have you two finished? Mr Gravelle would like to jump in here.

Mr Silipo: I'm sorry. I don't want to be difficult. What I'm hearing from Mr Shea is that it will still be possible, under the regulation he contemplates the government passing for non-print materials people borrow from the library, that those will be subject to a fee.

Mr Shea: I want to go back over it again. What we're trying to do is ensure that we understand what is being said when we talk about libraries' collections. There has been concern that it has been interpreted to mean only print material. What the government wants to do is ensure that we understand it is not just print material that is being referred to, that in fact collections may very well involve electronic media. That will be spelled out.

Mr Silipo: Right, and that's what I understood at first, but then the term "libraries' collections" is only used in one subsection of the proposed regulation. In the next one it talks about borrowing, and there it refers to "materials." What I'm looking for is that you will apply the same broader concept that you're describing around collections also with respect to the borrowing.

Mr Shea: The point I'm trying to raise with you is that at this juncture the best-practices model will be sent to all of the libraries — and you understand that process — and it will detail very clearly the interpretation of the electronic collections. If there is any difficulty with the following of that best practices, then it is possible that a descriptive regulation could follow, but at this point it seems unnecessary.

Mr Silipo: That's even more fascinating, then.

The Chair: My concern, Mr Silipo, is that we're talking about a regulation which this committee really —

Mr Shea: — has not seen.

Mr Silipo: That's part of my point, Chair, that in effect what the government is doing here is moving into regulation a basic right and protection that now exists in law.

The Chair: You're talking about a draft document which I've never seen and I don't know whether other members of the committee have seen. I don't mind you talking about it except that it has nothing to do with the motion, other than for persuasive value to vote for or against it.

1640

Mr Silipo: That's exactly why I'm using it. I'm trying to make the point that two things are being done here that I believe are wrong. The first is that the protections that now exist for every citizen of the province to have free access and use of materials — print materials and non-print materials — in libraries across this province are being taken out of the legislation; and second, that the right to borrow those materials free of charge is being taken out of the legislation, and what we are getting instead is going to be put into regulation, because you'll have to do a regulation at the end of the day. That's what section 14 says. Otherwise you won't be able to charge anything. So you're going to have to do a regulation, because that's what you intend to do.

I'm trying to persuade the government members particularly, because I know I don't have time to persuade the people on this side of the table, that they are taking a basic right we now have as citizens and doing away with it, and I'm not sure they've understood the implications of that.

Mr Shea: Clearly I disagree with that. That is exactly what the government is not doing. The fact is that we may well be dealing with two different acts, and that may be troublesome for my colleague. There is still the free access to the library. There still is the free access to the books and the print material. We have indicated that indeed the electronic material will be identified through best practices and we expect that will be followed. So there is no shift in what is happening right now, but as library services expand and change, there may well be some areas where they may charge some fees that they don't now charge — there may be.

The Chair: I'm going to let Mr Gravelle say some words.

Mr Gravelle: It has been a fascinating conversation. On the one hand, Mr Shea, you're talking about electronic format material potentially being available, but I don't know why you wouldn't put it in the legislation, for God's sake. I'm not sure if you're speaking on behalf of

the minister or making a statement on behalf of the government. You give us on the one hand some sense that it may be more than what it reads. "This is what 'collections' may mean." But one can't help but be a tad suspicious when you're not willing to put it down in the legislation. Certainly the concern about having it in regulations is one that I think is extremely valid. If it at least is put in the legislative format, if it's at least put in there, it can't be changed quietly, as can be done the way it is set up now. That is a concern we have. It's a legitimate concern.

One knows that the reason it's taken out of legislation is so that you're not going to have to have people like myself and Mr Silipo saying: "Hold on here. We don't accept that." Things can be done. I don't think you should be simply expecting us to say, "Thank you very much," because if you're not willing to put this into part of the legislation, I'm not sure why we should be particularly happy at all.

The fact is, as Mr Silipo said, and it's certainly my point, there are rights of citizens that are literally being taken away and changed as a result of things being taken out of this legislation. The words you've used to try and assuage us to some degree I don't think are very reassuring because I don't know if there's any guarantee. Or can you guarantee that indeed what you suggested in terms of better practices will absolutely happen? That's something we would love to hear. It won't by any means answer all the concerns, it won't deal with what we think needs to happen, but it will be interesting to hear.

The Chair: Was there further debate, Mr Silipo? Mr Shea? Then we appear to be ready to vote on this Liberal motion. All those in favour? All those opposed? The motion is defeated.

Mr Silipo has, on page 34, a New Democratic motion.

Mr Silipo: I move that section 14 of the Public Libraries Act, as set out in section 2 of the bill, be amended by adding the following subsections:

"Free services

"(2) However, no fee or charge may be imposed for the following public library services:

"1. Admitting any person to a library.

"2. Allowing any person to use materials in the library.

"3. Allowing a resident to borrow materials from a circulating collection, regardless of the format of the materials.

"4. Allowing a resident with a disability to borrow materials specially formatted for persons with that disability, or allowing another person to borrow them on the resident's behalf.

"5. Allowing a resident access to electronic information and means of communication, whether in the library or from another location. This paragraph does not apply to information services (such as searches) that library staff may perform at a user's request.

"Definition

"(3) In subsection (2),

"'resident' means a resident of a municipality whose council appoints the members of the board, or a resident of a municipality or local service board area or a member of a band, as the case may be, that has a contract with the board under section 29."

Briefly, as I indicated earlier, this motion would set out those basic services that we believe ought to be free of charge for both use in the library and the borrowing of materials. Again, I reiterate my strong opposition to what the government is doing in taking this protection out of the legislation.

Mr Gravelle: I just wanted to give my strong support, if I may, for the NDP motion. I think it even adds a helpful part about allowing another person to borrow them on the disabled resident's behalf. That's a good addition to the amendment and I'm very strongly supporting him and hoping that — well, I guess there's no point hoping, Chair.

The Chair: Never give up hope.

Mr Gravelle: I never will, Chair, but it seems fairly apparent that on this issue, as important as it is, somehow the government is not listening.

The Chair: Further debate? All those in favour? All those opposed? The motion is defeated.

Are there further amendments to section 2 of the bill? Shall section 2, as amended, carry? All those in favour? Opposed? Section 2, as amended, is carried.

Are there amendments to section 3? Shall section 3 carry? All those in favour? All those opposed? Section 3 is carried.

Are there amendments to section 4? Shall section 4 carry? All those in favour? We have to raise our hands, folks. All those opposed? Section 4 has carried.

I believe now, Mr Gravelle, we are on to page 35, which is an amendment to section 5.

Mr Gravelle: I move that section 5 of the bill be amended by adding the following as section 28 of the Public Libraries Act:

“Inspection of records

“28. Anyone may, during ordinary business hours, inspect any information in a board's possession or control, except information that,

“(a) in the board's opinion, is of an intimate financial or personal nature; or

“(b) identifies an individual user of library services by name or makes him or her readily identifiable by other means.”

This is an amendment that we think is very important. It came up at a variety of the public meetings. I think I know what Mr Shea is going to say in response to this. He's going to suggest that the municipal freedom of information act protects the confidentiality of library records. Having said that, it seems to me there is no reason why this legislation should not include special provisions on confidentiality for libraries. I could double-check. I know that because this issue came up a variety of times and there was a level of concern that it was not in Bill 109. People had some concern about it. May I say just from the point of view of assuring the public and those people who use it and the board, when they are looking at this bill they will see that it's there rather than simply saying, “Don't worry, you will be protected under the other act.”

I hope the government side would acquiesce on this point and recognize it from the point of view of security and making people feel assured this is there, and they would consider supporting this amendment.

Mr Shea: I do understand the issue that Mr Gravelle raises. In fact it was raised by several deputants during the hearings and we were particularly concerned about that. I know he anticipated my comments, because we have chatted about this, indeed at his request.

I also pursued more information about that just to make sure we were very clear about what was happening. He will know that my response would simply remind us that the public library boards are institutions under the Municipal Freedom of Information and Protection of Privacy Act. They are covered by it. Access to information and protection of personal information is protected, and the rights and protections are superior, frankly, to the wordings we find on this page 35 of the documents. It's probably better to keep it that way so that we don't find there are contradictions and confusions.

The final point is, is it better to place some more information in here even if it's flawed wording to at least give some sense of reassurance? I would suggest not. It is far better to have very clear, crisp, defensible language, as we have it in the Municipal Act, rather than to clutter and cloud it here and create additional confusion. For that reason, I can't support 35. But I do give comfort to Mr Gravelle that in fact it is addressed.

1650

The Chair: Further debate? All those in favour? All those opposed? The motion is defeated.

Mr Silipo, page 36.

Mr Silipo: This is a similar amendment to the one we've just dealt with except that there's a change in terms of who exercises the discretion.

I move that section 5 of the bill be amended by adding the following as section 28 of the Public Libraries Act:

“Inspection of records

“28. Anyone may, during ordinary business hours, inspect any information in a board's possession or control, except information that,

“(a) in the opinion of the board's chair or secretary, is of an intimate financial or personal nature; or

“(b) identifies an individual user of library services by name or makes him or her readily identifiable by other means.”

The Chair: Further debate? All those in favour? Opposed? That motion is defeated.

Are there further amendments to section 5? Shall section 5 carry? All those in favour? Opposed? Section 5 is carried.

We are turning to section 6. Are there any amendments to section 6? Shall section 6 carry? All those in favour? Opposed? Section 6 is carried.

We are on to page 37, Mr Gravelle, which you can read, although I indicated some concern with it to you privately.

Mr Gravelle: I look forward to your ruling, Chair.

I move that the bill be amended by adding the following section:

“6.1 The act is amended by adding the following section:

“Annual reports

“35.1(1) The annual report required by clause 35(2)(c) shall set out the board's size and composition, information on the use of its collections and services over the

previous year and such other information as the minister may request.

"Reports tabled"

"(2) The minister shall table all the reports submitted under clause 35(2)(c) and under section 37 before the assembly if it is in session or, if not, at the next session."

The Chair: Before you get into your rationale, I have problems with that. Sections 35 and 37 aren't yet opened, and I believe you can't do something indirectly that you can't do directly. I therefore, subject to your comments, believe this motion is out of order.

Mr Gravelle: I plead for help among my colleagues in this. I can't argue on your point other than that I certainly am prepared to argue the value of the amendment. But if you're asking me to argue in terms of why it should be in order, on that basis —

The Chair: I believe it's a procedural problem.

Mr Gravelle: Yes, and I'm afraid I haven't had an opportunity to make a case for how it should be in order. I guess I don't have to withdraw it, because you're going to rule it out of order.

The Chair: Mr Silipo wants to say something.

Mr Silipo: Just on that procedural point, I can't remember the details, but I know when we were dealing in the House with Bill 103, I raised the point with the Speaker on a couple of government amendments that, in my view, amended sections of the bill that had not been amended by the original bill and made the argument to him that those should be ruled out of order. His ruling was that in fact they were in order because they dealt with the bill as a whole. If I remember correctly the ruling, and again I'm just going by memory, then surely the same should apply here, where what Mr Gravelle is proposing is an amendment to a part of the bill that is clearly in front of us. I understand and appreciate that the particular subsection hasn't been amended by the bill, but I think the whole act is clearly in front of us, because many of the sections are being amended. On that basis, you should allow it.

Mr Shea: Even if it were in order, and I concur that it is not, in fact what's being referred to are reports from the OLS. That's why I think there may be some misunderstanding by my colleague in this regard.

Mr Gravelle: I appreciate Mr Silipo's assistance on this. My lack of experience perhaps is showing. I'll have to be more clear in terms of procedure. I hope the Chair will rule this in order.

The Chair: I'm a new Chair, but I have a problem with it.

Mr Gravelle: Mr Silipo's point is quite useful.

The Chair: Yes, I do recall, Mr Silipo, some discussion in the House on this. I believe this is a fairly blatant — and I say that kindly — contravention, and I'm going to rule the motion out of order.

Mr Silipo: Obviously not questioning your ruling, because we can't — well, we can, but we won't waste the time of the committee.

The Chair: No, you can't question it. We're going to move on to section 7.

Mr Silipo: We could ask that it be appealed, but I won't do that.

The Chair: Yes, you could.

Mr Silipo: I just wanted to be clear. Are you ruling that it's out of order because it doesn't amend a section that's before us? I just want to be clear on the basis for your ruling.

The Chair: I don't think I can be any clearer. It is trying to amend sections that haven't been opened in the bill, and that's the rationale for it. I appreciate that the Speaker of the House has dealt with similar issues. I think this is fairly clear. I can't recall the specific questions, and in his discretion he made the decision as you indicated. But in this particular case, I think it's fairly clear, with due respect to Mr Gravelle, that that's what he's trying to do.

We're on to section 7. That is on page 38, which is a Liberal motion.

Mr Gravelle: I move that section 7 of the bill be struck out and the following substituted:

"7. Section 38 of the act is repealed."

In essence, this amendment reinstates section 30 of the Public Libraries Act. As I think members will know, we are in essence asking the government to restore the provincial grant to libraries by keeping section 30 in there.

The fact is — and I think the point needs to be made and it probably can't be made often enough — that this whole exercise is quite frankly about dumping billions of dollars of responsibilities on municipalities and making this library bill part of that dumping. It's dreadful to think that this government is going to put the municipalities in a position where they're going to be forced to make decisions based on a smaller availability of funds themselves. They're going to have more pressures on them and be forced to make choices between valuable services and needed services, choices that are going to be difficult between hard and soft services. We know municipalities have been very strongly supportive of libraries, and I sure don't want anybody else to suggest that we've said otherwise, because none of us ever have. We recognize that municipalities are extremely supportive of libraries.

By removing section 30, by removing the provincial grants to libraries — I explained it this morning as best I could, even when I had my motion put forward — this is doing extraordinary damage to the library system in this province. There are simply going to be libraries, library branches and library systems that will not be able to survive because of the pressure municipalities are under. They will not be able to make up the funding. In many cases, it will be an absolute battle for them to maintain the level of funding because of the pressures they're going to face.

1700

I wish the government would offer some guarantee that if indeed the exercise is not revenue-neutral, because we know it won't be but they seem to still want to say that it is, it will find some way to protect libraries. Libraries are a special institution in our society and they are an important place for all of us. I feel very strongly that we have to fight as vigorously as possible to maintain our libraries.

Ultimately, when all is said and done and branches are closing and communities are losing their libraries — and

smaller communities are losing their libraries altogether — the government and the minister will rue this day. I wish there was a way to get the government to try and change its tack. The fact is, it's part of a larger exercise. The fact is, this bill has no need to be here. The Public Libraries Act works perfectly well. It's clear with all the evidence over the last couple of months since the bill was first introduced, in terms of the responses we've got in terms of the public hearings, that it's important to maintain some form of provincial funding to the library system and to the individual libraries in this province.

I cannot find the words. I won't pretend. I am actually feeling quite tired, depressed and sad about it, because you go through this process and you work very hard to get to this point, to get to clause-by-clause, and you actually believe — and maybe it's because I am a new member — and you actually hope there will be an opportunity, because of what happened at the public hearings, because of what people have told you, because of the messages being sent out, something will happen in the clause-by-clause process that will make you think that the government was listening; the government recognizes this is a danger; the government sees, despite their agenda — which is fair game; they got elected with a majority — they really are listening.

I'm finding my voice breaking and my energy going, but I can promise you I will continue the good fight regardless. But I find it disappointing that this particular bill is in place and this aspect of funding which is so crucial to the survival of the library system is being taken away. I close with those words and hope and pray — why not? — that perhaps the government will at the 11th hour recognize the error of their ways and support this amendment.

The Chair: We had substantial debate on this topic this morning, but is there further debate on this section?

Mr Silipo: Just briefly, Chair. We have an identical amendment, as you'll note, which follows. I won't belabour the point except to say that this is of course one of the key changes the government is making in removing any funding responsibility. We think it's wrong. We think the system we have in place now works fairly well. It means that in most municipalities the large responsibility financially is carried out by the municipalities but there continues to be an involvement by the province which, even in cases where it is, percentagewise, small, 6%, 7%, 8%, it is still significant both in terms of dollars and in terms of what it says to people in different parts of the province about the fact that the province still has an interest in the public library system.

This action by the government removes that responsibility entirely. It does it on a pretence that there's going to be an even trade with other costs, which we expect to see will not be there. We think it's doubly wrong in terms of how they're doing it and why they're doing it.

The Chair: Further debate? All those in favour of the motion? All those opposed? The motion is defeated.

Mr Silipo, page 39 is much the same. I assume you're withdrawing it. If not, I'll be ruling it out of order.

Mr Silipo: I'm assuming you're going to rule it out of order.

The Chair: Page 39 is out of order.

Are there further amendments to section 7?

Shall section 7 carry? All those in favour? Opposed? Section 7 is carried.

We will move on to section 8, which is on page 40. It's a Liberal motion, Mr Gravelle.

Mr Gravelle: I move that section 39 of the Public Libraries Act, as set out in section 8 of the bill, be struck out and the following substituted:

"Regulations

"39. The Lieutenant Governor in Council may make regulations,

"(a) respecting the establishment, organization and management of the province-wide public library network;

"(b) prescribing conditions for the purpose of section 30."

This of course allows for the development of regulations for the disbursement of funds to libraries by the provincial government. It sounds like a terrific idea. Why not keep making a run at this? I've got a hunch you might —

Mr Shea: I know it's another way to get grants.

Mr Gravelle: You can't prescribe something that has been taken away, I guess.

The Chair: This section hinges upon the previous section that we voted on, and I believe it's out of order, as is the next one. The next two motions are out of order. Quite frankly, page 42 is out of order. Perhaps we should vote on section 8.

Shall section 8 carry? All those in favour? Opposed? Section 8 is carried.

There appears to be one amendment for section 9, Mr Gravelle. It's out of order. We're just going to vote for or against it.

Mr Gravelle: It's a new section, though, is it? Are you sure it's out of order?

The Chair: I believe it is.

Mr Gravelle: Even though it's a separate section?

The Chair: If you're going to move it, I'm going to rule it out of order.

Mr Gravelle: So I can't read it? Are you ruling it out of order?

The Chair: If you want to read it in, sure, go ahead.

Mr Gravelle: Section 9 of the bill, section 41 of the Public Libraries Act: The Liberal Party recommends voting against section 9 of the bill.

The Chair: All those in favour of section 9? All those opposed? Section 9 is carried.

Are there further amendments to section 10? Shall section 10 carry? All those in favour? All those opposed? Section 10 is carried.

Are there further amendments to section 11? Shall section 11 carry? All those in favour? Opposed? Section 11 is carried.

We're now moving into section 12. There is a government motion on page 43, Mr Shea.

Mr Shea: I move that section 12 of the bill be struck out and the following substituted:

"Commencement

"12(1) This act comes into force on the later of December 1, 1997 and the day this act receives royal assent.

"Transition

"(2) Despite subsection (1), the Public Libraries Act, as it read on January 1, 1997, continues to apply in the municipality of Metropolitan Toronto and in its area municipalities until the later of January 1, 1998 and the day this act comes into force; effective the later of January 1, 1998 and the day this act comes into force, this act applies in the city of Toronto.

"Same

"(3) Despite subsection (1), the Public Libraries Act, as it read on January 1, 1997, continues to apply in any municipality that is the subject of a restructuring order made before this act comes into force under section 25.2 or 25.3 of the Municipal Act and that is effective after the day this act comes into force; effective the day that the restructuring order is effective, this act applies in the restructured municipality.

"Same

"(4) If a restructuring order described in subsection (3) provides for the dissolution of an existing public library board, union public library board or county library board, section 3 of the Public Libraries Act, as re-enacted by section 2 of this act, does not apply in the restructured municipality."

I think it's pretty clear. Everybody can probably recite that back to me now. It was a fairly clear amendment and —

The Chair: We'll soon find out, Mr Shea.

1710

Mr Shea: It is obvious, Mr Chairman, and you, being a lawyer of great distinction, will know that it's to make certain that only the new councils elected in 1997 have the powers proposed in Bill 109. The commencement date has been revised. The transition provision in subsection 12(2) has been included to deal with the city of Toronto situation where the new council does not take office until January 1, 1998. The transition provisions found in subsections 12(3) and (4) deal with any amalgamations that might occur where the new council does not take office until after December 1, 1997. So it's a fairly simple amendment in that sense.

The Chair: Further debate? All those in favour? Opposed? It's carried.

Shall section 12, as amended, carry? All those in favour? Opposed? Section 12, as amended, is carried.

Section 13, Mr Gravelle. We're on to page 44.

Mr Gravelle: I move that section 13 of the bill be struck out and the following substituted:

"Short title

"13. The short title of this act is the Local Control and Provincial Accountability of Public Libraries Act, 1997."

Chair, this has certainly been a recurring theme and perhaps it doesn't have as much relevance now that we're at the end of the day and there has been no success at having the minister's or the government's accountability and responsibility put into the bill. But having said that, I still would seek support from all the members of the committee, again because this is what the minister has been saying publicly, that she believes it is part of a provincial accountability.

We know it's really not there. I still think it's worthwhile taking a run at it, if I may, to Mr Shea. It would be

again a move that will at least recognize and acknowledge some attempt by the government to accept that there is some provincial accountability. What we've seen today, unfortunately, is the government certainly did not respond favourably to any of the amendments that have come forward at the public hearings in any real fashion at all. I think it's still incredibly important that the minister and this government accept accountability, and on that basis I call on all members to support changing the short title of the act.

Mr Shea: Just a very quick comment in rejoinder. While I think my colleague is trying to improve upon the wording, I don't think anything could possibly improve upon the present wording, "An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level." I think it recognizes the partnership that this government is about with the municipal governments and I'm sure my colleague would endorse and support that principle.

Mr Gravelle: Wait till you get the next amendment.

Mr Shea: Yes, I saw that one.

The Chair: Shall section 13, which is the short title of the — no, I'm sorry. I guess I can't do that yet, can I? You're not serious, are you?

Interjections.

The Chair: We're going to vote on Mr Gravelle's motion. Shall the motion carry? All those in favour? Opposed? That is defeated.

Now, Mr Silipo?

Mr Silipo: I move, Chair, that section 13 of the bill be struck out and the following substituted:

"Short title

"The short title of this act is the End of Free Access to Information and End of Citizen Participation in Governance of Public Libraries Act, 1997."

I would have been very happy not to have had to move this amendment. But I did draft it on the assumption, which unfortunately has been proven correct, that the government really wasn't interested in listening to any substantive amendments that either I had or that Mr Gravelle had which reflected very much the kinds of things we've heard during the committee process.

I wasn't able to be with the committee in the travels throughout the province because we were dealing at the time, as you'll recall, with Bill 103 and so I was in the House carrying out that other part of my critic responsibilities. But I know from talking to my colleague Mr Tony Martin, the member for Sault Ste Marie, who did carry out that responsibility for us, as well as looking over the materials that came back and the summary and a number of the presentations, that the issues we have been dealing with today through amendments are really the issues that people have talked about during this whole process. That is that we are ending, through this new law that the government seems to be intent on passing, free access to the library system.

Whatever they're going to do with this new regulation, it's going to be less protection than exists now: first of all, simply by virtue of the fact that it will be in regulation and not in the laws of the province, not in an act of the Parliament of the province; secondly, because it will

dilute the protection that's there, because I didn't take much comfort from what Mr Shea said to me on that aspect.

It will end, in a significant way, citizen participation in the governance of public libraries. We know that we have a history in this province going back over 100 years that ensures citizen participation and citizen control of public library boards. This government has not given, in my view, one good, solid reason why that should change, why over 100 years of history should just be wiped out simply because they struck a deal with AMO and because they coughed up in that deal control for the library system to be handed over to the municipalities.

There is no good policy rationale for doing that. There is no good policy rationale for wiping out 100 years of history in this province simply because you want to strike a deal with AMO. I really feel very, very strongly that what this government is doing here with this piece of legislation is just fundamentally wrong and at the very least, they should have the honesty to reflect in the title what they're actually doing.

The Chair: I was going to rule it out of order, but I don't want to get into a — it probably is.

Mr Shea: If you're ruling it out of order, Chairman, then I won't belabour the point, but obviously I would address this quite firmly if you were not. So since you are, I won't speak to it.

The Chair: Mr Silipo, it does take a negative spin, and clearly, you're entitled to make a negative spin on the entire piece of legislation, I suppose. But it doesn't necessarily, in the Chair's view, accurately describe the description of the bill, which is what the purpose of a short title is to do. Accordingly, I am going to rule this amendment out of order. We will proceed to voting.

Shall section 13, which is the short title of the bill, carry? All those in favour? Opposed? Section 13, which is the short title of the bill, is carried.

We will now proceed to the long title of the bill. There is a Liberal motion.

Mr Gravelle: I move that the long title of the bill be struck out and the following substituted:

"An Act to amend the Public Libraries Act to put authority, responsibility and accountability for providing and effectively managing local library services at the local level and to ensure provincial responsibility and accountability for the maintenance and development of Ontario's public library network."

I am very conscious that this is probably my last opportunity to speak about this bill. I believe it's our last amendment.

The Chair: There is a further motion, if you recall. Mr Shea, I assume, is going to make a motion, so there will be a motion in due course, but you are free to speak on it.

Mr Gravelle: But it's the last amendment by our caucus.

The Chair: Yes, it is.

Mr Gravelle: If I may refer back to the previous motion that was deemed out of order, I think it was a sad but accurate version of what this bill ultimately will mean.

I guess the proof will be in the pudding, Chair. Sorry to use a tired cliché, but it just seems to be appropriate in

the sense that we're going to have to prove this to the government. The evidence is certainly clear. There is a need for the government to maintain responsibility for involvement and for some accountability for the library system in this province; it's not just a need, it's the way it should be. It's a proud and long tradition in this province that I truly feel is sadly coming to an end.

1720

We are going to be seeing a patchwork of library systems across the province. We're going to see the interlibrary loan program being truly threatened. We're going to see small branches close, we're going to see small libraries close. We're going to see communities lose something that's truly at the heart of their communities. We're going to watch as accessibility to libraries is reduced and particularly reduced for those people who perhaps are the most vulnerable. We're going to watch as the system, quite frankly, changes in a very negative way.

It can't be forgotten that this government had an opportunity to listen to what the public said. As I have pointed out on more than one occasion — and if I had the time, I would read these and I will find an opportunity to read these petitions in the Legislature — one goes through the public meetings — certainly I was there at every one of them and I listened very closely and I recognize that the message was coming across loud and clear. One has to wonder: Why do you have these hearings unless the government does listen and make some substantial amendments, that just simply weren't made?

I think it is a sad day. I believe this is a bill, in all honesty, that is doing a disservice to the people. It is, without question, tied into the downloading process that's going on against municipalities. I accept and understand the municipal position in terms of this bill simply because they're being put in a dreadful corner and are being forced to take on responsibilities in a variety of areas which they don't want to take on.

I would ask, in terms of this amendment, that it be looked at seriously. It's not in any way offensive. I don't think there's anything in it that the minister would find very difficult to support. Again, as we've said so many times, the minister does view this as being a bill that actually does speak of accountability. Mr Shea has used the word more than once today. We would just feel there might be at least some level of assurance if this one amendment, the last one we're putting forward for the day, could be supported, to at least throw some olive branch to the library community and recognize that there is a need to accept some responsibility and accountability by the province.

The Chair: Further debate? Mr Shea.

Mr Shea: Perhaps I'll wait. There is one more amendment coming up from the NDP caucus, is there not, Chair? I think maybe I'll wait and I'll use my comments there for summary.

The Chair: To warn you, I will probably make the same ruling as I did on the amendment on page 45.

Mr Silipo: Speak now.

The Chair: If anybody wants a shot, now is the time.

Mr Shea: Then I will make a comment very briefly, because I regret the words chosen by my colleague. In

many ways he has shown little regard and respect for municipal councillors and it distresses me.

There is an underlying assumption that there will be a malicious or intentional dismantling of services in municipalities that I think shows a cavalier disregard for the due diligence that, to my knowledge, all councillors bring to their position. It shows disregard for a request by the Association of Municipalities of Ontario to indeed proceed down this as part of our Who Does What procedure, one that AMO has long asked for because of the confusion that has been taking place in the tax world of our province, to ensure that taxpayers know who is doing what, who is paying for what, whom should we hold accountable.

I regret the tone. I know it's not put forward unkindly and I know that my colleague from Port Arthur is trying to respect and speak on behalf of the library community and I do have regard for that, and the minister does. I want to make that very clear.

But the bottom line, what we're really suggesting is that in this restructuring the province is not withdrawing from library services. What we're beginning to do is say there is a new way of forging this partnership. I don't see any changes in the financial structuring nor do I see councillors who are lurking in the shadows waiting to pounce upon libraries and library boards to dismantle them and to cast them into the nether regions — quite the reverse. In fact I think what this does is for the first time place the members of council directly in the public venue for accountability, which takes place at least once every three years. It is not something that necessarily happens to the library boards, and for that reason I agree with the spirit of Bill 26 and I agree with what flows out of it.

My colleague and I will disagree on this because we've not had a meeting of minds as we've gone through on this one cardinal principle of democracy, and I won't bend on that and I don't think the minister and I know the government certainly won't bend on it. That's extremely important. I share the government's view that the library system requires some exciting conversations in the future and I have no doubt that will be undertaken in very short order. But to suggest that this act is in any way taking away from libraries or their future is quite misleading.

More than that, the final point is this. My colleagues across have made a spirited defence of the library system based upon the act of 1984. What they've really said is, "It's working so you don't have to do anything," end of story. They've said it more elegantly than that but that's essentially what they've been saying. The words that come back to haunt me are these:

"I have talked to librarians who have told me this is it for them, that if the minister wants to bring in a law that says municipal councils can determine line-by-line budgeting of the library boards, then let the municipal councils run the libraries in the municipalities and let us stop playing this game of pretending there is a useful role for library boards if the government is going to take all the decision-making away from them."

That was Floyd Laughren in November 1984 saying, "A pox on this new bill," the bill that was brought forward in 1984. It has worked and I put it to you that

this bill will work equally well, and more than that, it will establish a new partnership, a new relationship that will be very productive for everyone. I do hope we will at the end of the day have your support for it.

Mr Gravelle: In most ways I hope you're right. It's a funny thing, being in opposition, that a lot of the things you are concerned about you hope you're wrong about. I don't want to happen what I think will happen. I do feel an obligation, though, to respond to your comments in terms of municipal politicians and what you ascribe to me. You indicated that I was making reference — and I think you've done it actually to both of us on this side a couple of times. There is no implicit or explicit sense that municipal politicians are waiting out there to get libraries. Municipal politicians have been remarkable supporters of libraries and we all know that and that is the case. The fact is they're being put in a situation where they simply will not have the ability to either increase or maintain that level of support and that will have a profound effect on how libraries operate in this province.

The truth is it is certainly possible to give more ability to municipalities in terms of that. But you can still give a per household grant. You can still recognize that's one of the things you need to do to maintain the system. You can still recognize there's a need to expand the definition of core services beyond what you've taken away and what you've done here. You can still do that. These are still things you could easily argue are that and still switch responsibilities.

I do not want it to be left with anyone saying — and I'm sure you weren't accusing me of saying it but you were implying that I was implying something about municipal politicians. The fact is I recognize that the toughest job at the political level is at the municipal level. As much as I find my job a challenging job, I recognize that these are very tough times right now for municipal politicians and I recognize they have very tough decisions to make. I don't think it's fair that ultimately they will have to choose between whether they maintain their support for the library in their community or they have to find money for their social housing or they have to find more money for the roads. I don't think they need to be put in that position. The transfer puts them in a far more vulnerable position.

We will watch this and we will see how it shakes down. If I'm wrong, I will, reluctantly, admit I'm wrong to you, sir. I'm saying this on the record.

Mr Shea: We can do it privately.

Mr Gravelle: As I said, one hopes that this doesn't happen. These are the fears that I have, the fears that I expressed. We represented what we think we've heard from the library community. I certainly hope that the government will be watching closely what happens as well.

The Chair: Further debate? All those in favour of the motion? All those opposed? The motion is defeated.

Mr Silipo, page 47.

Mr Silipo: Do you not want to deal with the short title first, Chair?

The Chair: The short title I believe has been voted on.

Mr Silipo: I'm sorry, we're dealing with the long title.

The Chair: We're now on to the long title, which is page 47.

Mr Silipo: I move that the long title of the bill be struck out and the following substituted:

"An Act to amend the Public Libraries Act to end free access to information and to end citizen participation in the governance of public libraries."

The Chair: I'm going to rule that motion out of order for the same reasons as I did for the motion on page 45, your former amendment, and add to that that the amendments that have been passed I don't believe have provided the negative impact that would result from this amendment being made. Accordingly, I am ruling this amendment out of order.

If there are no further amendments, shall the long title carry? All those in favour? All those opposed? The long title has carried.

Shall Bill 109, as amended, carry? All those in favour? All those opposed? Bill 109, as amended, is carried.

Shall Bill 109, as amended, be reported to the House? All those in favour? All those opposed? Bill 109, as amended, will be reported to the House.

That leaves one further matter to be discussed and that is the topic of the Metropolitan Toronto Library Board and the Metropolitan Toronto Reference Library. Mr Shea has distributed a motion. If you could read the motion, Mr Shea.

Mr Shea: I move that the standing committee on general government, recognizing the important role that the Metropolitan Toronto Library Board has played within the local and provincial library systems, refer the two attached pages which represent two suggestions which we would request the transition team consider at such time as it prepares recommendations relating to library services.

The Chair: Debate? All those in favour? It is carried.

Mr Shea: Unanimously. Thank you.

I would just add one other point before we leave. I would like to express my thanks to the legislative Clerk and to all who supported this committee as it did its tour of the province. I appreciated that very much and I particularly appreciated the opportunity to sit in hearings with my colleagues. As Mr Silipo has pointed out, Mr Martin is not here. While we don't agree philosophically on some of the issues, I found the debate, particularly with Mr Gravelle from time to time, to be civil at all times and thoughtful and very helpful. I wanted to express that on the record. Whether that's tradition or not, I don't care.

The Chair: Nothing seems to be traditional any more.

If there's no further discussion, the Chair will adjourn this committee. We appear to have concluded this bill. We adjourn this committee to the call of the Chairman.

The committee adjourned at 1735.

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Official Report of Debates (Hansard)

Thursday 12 June 1997

Journal des débats (Hansard)

Jeudi 12 juin 1997

Standing committee on general government

Tenant Protection Act, 1996

Comité permanent des affaires gouvernementales

Loi de 1996 sur la protection
des locataires



Chair: David Tilson
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LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON
GENERAL GOVERNMENT

Thursday 12 June 1997

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO
COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Jeudi 12 juin 1997

The committee met at 1002 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr David Tilson): Good morning, ladies and gentlemen. This is the standing committee on general government. We are here today to review Bill 96, An Act to Consolidate and Revise the Law with respect to Residential Tenancies. Members of the committee, you should have an agenda before you. We will soon have a copy of the report of the subcommittee. I'm going to ask Mr Gilchrist to read that report to the members.

Mr Steve Gilchrist (Scarborough East): The subcommittee met on Thursday, June 5, 1997 and agreed to the following:

(1) That the clerk will have an advertisement placed one time in the local newspaper of each city that the committee will travel to. In Toronto an ad will be placed in the Star and the Sun. The Toronto ads will be placed as soon as possible after the bill has been referred to the committee. In the areas outside Toronto, the ad will be placed in the paper three weeks before the committee arrives in that city. The Chair, in consultation with the clerk, will decide upon the wording of the ad.

(2) That an advertisement be placed on the Ontario parliamentary channel and that a press release be issued. The press release will also be mailed to each city the committee is travelling to.

(3) That the minister be offered 15 minutes in which to make a presentation. Each of the three parties will then have 15 minutes to make opening statements. The Progressive Conservative Party will make the first statement, followed by the two opposition parties.

(4) That the committee will meet in Toronto for public hearings on June 12, 19, and 26, 1997. The meetings will commence at 10 am and after routine proceedings.

(5) That the committee will have eight more days of public hearings, the specific calendar dates of which have yet to be determined. During the summer recess, the committee will have hearings in the following locations: Monday, Toronto; Tuesday, Ottawa; Wednesday, Sudbury; Thursday, Thunder Bay; Monday, Toronto; Tuesday, Hamilton; Wednesday, Windsor; Thursday, London.

(6) That the Chair, in consultation with the clerk, is authorized to make changes to this schedule in order to accommodate the travel arrangements.

(7) That organizations will be offered 20 minutes in which to make a presentation and individuals will be offered 15 minutes for their presentations. The Chair, in consultation with the clerk, will make any decisions necessary to determine who should be scheduled as a group or as an individual.

(8) Scheduling will be accomplished by means of four lists. One list will be created by each party and the fourth list will contain the names of those people not chosen by any party. Each party will supply the clerk with a list outlining who they wish to hear from at each location. These lists will each contain only the number of names sufficient to fill one quarter of the agenda. The remainder of spaces available on the agenda will be selected randomly from the fourth list.

(9) That the Chair, in consultation with the clerk, will determine if the agenda for a specific location is sufficiently booked to warrant the committee meeting in that location.

(10) That the deadline for witnesses to request a hearing during the summer recess will be one week before the committee arrives in that city. For the Toronto hearings the deadline is one week before the first Toronto day of hearings.

(11) That the deadline for written submissions will be on the last day of travel.

(12) That each party will supply the clerk with 12 names chosen from the list distributed at the subcommittee meeting by 12 noon on Friday 6 June 1997. These names will then be used to schedule the witnesses for the public hearings on June 12, 19 and 26, 1997. If more than 12 names are submitted by any party, these names then become that party's choice of witnesses for the two remaining Toronto dates occurring in the summer recess.

(13) That requests by witnesses to have their expenses paid by the committee will be decided by the subcommittee after their request has been made to the Clerk in writing.

(14) That the legislative research officer will prepare summaries for the committee at the end of June and at the end of the public hearings. An additional summary may be requested by the committee at a later date.

(15) That the Chair is authorized to begin the meetings even if there is not representation from all three parties.

(16) That there is no need for a technical briefing from the ministry staff.

(17) That there will be no opening statements during the clause-by-clause consideration of the bill.

(18) That this subcommittee report will be the first order of business on the June 12, 1997, meeting.

(19) That the clerk has the authority to place the ad in the necessary papers and to begin scheduling immediately.

(20) That the information contained in this subcommittee report may be given out to interested people immediately, as opposed to after the committee has voted on it.

Mr Chair, that forms the subcommittee report. I'm prepared to move that. I believe we have a consensus throughout the three parties.

The Chair: Discussion?

Mr Rosario Marchese (Fort York): Mr Chair, I agree with everything we have agreed to in subcommittee but would like to make a request, and hope that Mr Gilchrist and others will agree. We said that as we travel across the province we should try to have the hearings late enough that we could get people who can't make it in the day. That's why we said until 7 o'clock most of the time in most places.

It may happen if we have enough requests from people where they can't make it in the day — and we have more people who want to come in the evening than the day — that in the subcommittee we should review that in order to accommodate that to the extent we can. That would be the first request.

The other is, if we have noticed that in Thunder Bay, for example, we only have several requests and not enough to fill the day, we should then consider moving from Thunder Bay to Kitchener, where we have a lot of tenants who are likely to want to speak to this issue. I would ask you if you could give a commitment for us to review that. If there are insufficient requests from Thunder Bay, I would like to suggest we change Thunder Bay to Kitchener.

The Chair: Mr Marchese, I believe we discussed some of these things in the subcommittee and some of those issues are being left to the discretion of the Chair and the clerk.

Mr Marchese: The first one we did discuss, Mr Chair; the second one we did not.

The Chair: Yes, we did. With respect to the hours, I hope you can appreciate we will always have problems with respect to travelling, going from one community to another. But I have no problem, subject to what other members of the committee say, with respect to that request.

I believe Mr Duncan is first.

Mr Marchese: But Mr Tilson, with due respect of course, we did not discuss both of these matters. I would like somebody else to agree or disagree.

The Chair: It's right here —

Mr Marchese: Mr Tilson, hold on. We discussed the issue of time, but we did not discuss the second matter I raised, which is, if Thunder Bay is a problem in terms of deputations, that we would go somewhere else. We didn't talk about that.

The Chair: I understand, Mr Marchese.

Mr Dwight Duncan (Windsor-Walkerville): We discussed that issue. I would concur with the government. We did discuss these two issues. We would support and hope the government will be sensitive to accommodating delegations in the evening, and also we've discussed and I've sent a letter indicating that if we don't have enough delegations in Thunder Bay or wherever, hopefully the government will give some consideration to Kitchener-Waterloo. We've had representations from a number of people in those communities as well.

1010

Mr Gilchrist: Mr Marchese, I'm sorry that they were photocopying and you didn't have it in front of you. Point 9 in the subcommittee report is specifically, "That the Chair, in consultation with the clerk, will determine if the agenda for a specific location is sufficiently booked to warrant the committee meeting in that location." It is addressed.

We will note the fact that you have indicated Toronto and the official opposition has indicated Kitchener as your respective first choices as an alternative if any location has insufficient numbers. I certainly give you the undertaking that that and the hours issue will be something we respond to positively.

The Chair: How are you leaving this, Mr Marchese? Are you satisfied?

Mr Marchese: Yes, I am.

The Chair: All those in favour of receiving the report? It is carried.

TENANT PROTECTION ACT, 1996 LOI DE 1996 SUR LA PROTECTION DES LOCATAIRES

Consideration of Bill 96, An Act to Consolidate and Revise the Law with respect to Residential Tenancies /
Projet de loi 96, Loi codifiant et révisant le droit de la location à usage d'habitation.

STATEMENT BY THE MINISTER AND RESPONSES

The Chair: For the second item on the agenda, and we're already 15 minutes late, I would like to welcome the Minister of Municipal Affairs and Housing, the Honourable Al Leach, who is going to start off with respect to this bill in making a presentation to members of the committee. Welcome.

Hon Al Leach (Minister of Municipal Affairs and Housing): Thank you, Mr Chair, and good morning, ladies and gentlemen and all members of the committee. It's nice to see you all again. I am pleased to be here today for the start of the public hearings on Bill 96, the Tenant Protection Act. I'd like to use this opportunity to explain why we are reforming Ontario's rent regulation system and how we plan to fix it.

I have a sense of déjà vu today all over again, as Yogi Berra would say, and for good reason. As those of you who were on the standing committee last summer will recall, I was before this committee at that time for the opening of public hearings on this very issue. At that time, the committee conducted public hearings in nine communities on our discussion paper on Ontario's rent regulation system, entitled *New Directions*.

You heard from all sides of the issue: from tenants, property owners, the business community and taxpayers. My ministry also received more than 400 written submissions from across the province.

So why are we here again? Why are we doing two rounds of public hearings on the same issue? Landlord and tenant regulation is a complex issue, as most of us recognize. There is a lot at stake for everyone involved.

We know the system needs to be changed and we want to make sure we get it right. That means listening closely to what everyone says and taking the best, most workable ideas. We have listened to what we've heard so far, and the proposed legislation, Bill 96, takes a seriously flawed system of rent regulation and improves it. This legislation balances the interests of tenants and property owners, and balance is crucial to a successful system of rent regulation and other landlord and tenant issues.

As a result of the discussion paper, we have also made some changes to the proposed legislation. These changes were based on the extensive public consultations and I will highlight these changes in a few minutes.

First, let me review what's wrong with the current system. Right now, both tenants and property owners must deal with a seriously flawed system. Let me give you just a few examples.

Our rental housing stock is run down. More than \$10 billion in repairs is needed to rental buildings across Ontario.

Maintenance is poor. There are apartment buildings across the province with dozens of outstanding work orders.

Interruption.

The Chair: We want to hear what the minister is saying. I'm afraid we have rules in this place that are the same as in the House. We can't have interjections from the audience, so I ask for your cooperation to allow the minister to make his presentation.

Hon Mr Leach: New rental construction is scarce. There is little investment in rental housing, with a mere handful of new apartments being built each year.

Finally, vacancy rates in many of our cities are extremely low. This leaves tenants with very few choices of where to live.

Clearly there are very serious problems, and this government is committed to doing something about them. So what about solutions? During the public consultations I talked with many tenants and property owners. Not surprisingly, they rarely shared the same view. Both sides want it all their own way. While we try to give everybody what they want, we have come up with a new system of rent regulation that will fix the system in a balanced and fair way for both tenants and landlords. Let me now outline some of its key features.

The tenant protection legislation before these public hearings has four main goals:

First, we want to protect tenants from unfair rent increases and arbitrary eviction.

Second, we want to improve maintenance and get tough on landlords who fail to take care of their buildings.

Third, we want to create a climate where people will invest in new rental housing. This, in turn, would give tenants more and better choices of where to live.

Fourth, we want to streamline administration and cut red tape to create a faster, fairer, less costly system of rent control. This law will combine six existing pieces of legislation and will substantially amend two other statutes.

Under the proposed Tenant Protection Act, tenants would continue to enjoy many valuable protections. The

new law will continue to protect tenants from unfair rent increases by keeping the annual rent control guideline. The guideline is 2.8% this year, the lowest guideline in the entire history of rent control in Ontario.

Some other protections worth noting include:

Tenants are protected by a cap on rent increases above the guideline for capital repairs.

Tenants can receive only one rent increase each year.

Tenants must be given proper notice of a rent increase.

Tenants can apply for a rent refund for poor maintenance, or a lower rent for reduced services.

Tenants can apply to challenge illegal rent increases and illegal extra charges.

All these protections and many others remain in place for a tenant as long as the tenant continues to live in the apartment. When a tenant moves out and the apartment becomes vacant, the property owner can negotiate a new rent with the new tenant. When the new tenant moves in, that tenant will be protected by rent control and all the protections afforded to all other tenants. In essence, we are moving from a system that protects the apartment to a system that protects the individual.

It has been suggested that property owners will take advantage of this opportunity to increase rents by evicting tenants. That's hardly the case. First of all, tenants are protected from arbitrary eviction. There are specific reasons laid out in the Landlord and Tenant Act for the eviction of a tenant, and these involve serious violations of the landlord-tenant relationship. The new Tenant Protection Act would continue the same protection from arbitrary eviction that tenants currently enjoy.

It has also been suggested that property owners will harass tenants in order to get them to move out of their units so the rent can be increased. If harassment occurs, an enforcement unit in my ministry takes action. The current maximum fine for a corporate landlord convicted of harassing a tenant is \$25,000. Under the new Tenant Protection Act we would strengthen the enforcement unit and double the maximum fine to \$50,000.

Others claim that property owners will try to force tenants out of their units by refusing to do any maintenance. The idea is to make the conditions so bad that tenants will have to move out. I would like to make the point that few landlords would allow their buildings to go into disrepair just to get a tenant to move out. But there are other provisions in the current rent control system which deal with poor maintenance in rental buildings, and as we all know, the current system isn't working very well. What we have done with Bill 96 is change the system to ensure buildings are maintained. Let me explain.

First, we've created a system in which property owners will have to compete for new tenants. That's an important change. There has not been any competition for tenants among property owners in many years, and it's a critical aspect of a healthy rental market. Under the proposed new law, when a tenant moves out of an apartment, the property owner can negotiate a new rent with the incoming tenant. Obviously, if the building is falling apart, the property owner is going to have a difficult time attracting a new tenant.

Second, we have changed the system to allow a property owner to recover the money that is spent on

repairs. The new legislation places a higher cap — 4%, up from 3% — on the amount above the rent control guideline that a tenant's rent can be increased for capital repairs, and that amount can be carried forward for an indefinite period until the repairs are paid for. Under the current system, it is not surprising that some property owners are not doing repairs to their buildings. The current system allows a property owner to recover very little of the money spent on repairs.

1020

We're going to change the system a third way: We're going to get tough with property owners who fail to take care of their buildings. We're improving the ability of municipalities to enforce their property standards bylaws. We're doubling the maximum fine for property standards violations such as failing to comply with a municipal work order. Under Bill 96 the maximum fine would be \$100,000 for repeat offences by a corporate landlord. Also, we're speeding up the process. Instead of having to first serve a property owner with a notice of violation, Bill 96 would give local property standards officers the power to immediately issue a work order.

We are streamlining some of the procedures. The Tenant Protection Act would make it easier to recover the cost of municipal repair work carried out in emergencies and easier to recover the cost of work carried out in those cases where the property owner doesn't comply with a work order.

I'd like to turn now to some of the very significant changes we've made following the extensive consultations held on the discussion paper *New Directions* last summer. One of those changes involves the maintenance provisions that I just touched upon. Initially we planned to make it an offence for a property owner simply to violate a maintenance standard. Municipalities could have issued tickets on the spot, without giving the property owner any opportunity to fix the problem before facing fines. People felt this approach would not be fair and so we have changed the legislation to give property owners the opportunity to fix the problem before a charge is laid.

Another issue we're hearing about involves condominium conversions. It is being suggested that under the proposed Tenant Protection Act property owners would simply convert their rental buildings to condominiums and evict tenants in that way. This will not be the case. If a property owner wants to convert a rental building to a condominium, then the tenants of that building would have the right of first refusal to purchase their apartment. Those tenants who do not wish to purchase their apartments will have lifetime tenure in that unit. This too is an aspect of the legislation which came about as a result of the public consultation last summer. In addition, municipalities can still discourage condominium conversions through their official plan policies if they feel it is not in the best interests of their community. I can say right now that the city of Toronto has such an official plan policy.

To summarize, Bill 96, the Tenant Protection Act, is legislation that continues to protect tenants while solving the problems of the current system. This legislation will cut red tape, improve maintenance, help to encourage investment in new rental housing and give the taxpayer a workable system at a reasonable cost.

We look forward to listening to what the public has to say and we look forward to making the legislation the best possible for the tenant, the property owner and the taxpayers of Ontario. Thank you, Mr Chairman.

The Chair: As agreed, Mr Gilchrist will make comments on behalf of the PC caucus.

Mr Gilchrist: Minister, I appreciate your laying out the framework of the bill here as we start our first day of these hearings. As someone who wasn't able to sit in on the first round of discussions, I particularly value the outline you've provided and I look forward to hearing from the individuals who will be coming before us. I wonder, though, if you might expand on some of the points you made in your opening comments.

I've had an opportunity to read the submissions made to the white paper that you put out earlier. I guess in anticipation of perhaps hearing those same comments again, I'm a little concerned about a couple of issues where it would appear that the facts are either not widely known or are somehow not being taken into account by some critics of the need for change.

It is my understanding that across all of Metro last year there was something in the neighbourhood of 36 or 37 apartment housing units, not buildings but units, constructed at the same time the population of the city increased by something close to 50,000, and that across the province there were somewhere in the neighbourhood of 1,420 units built and the province increased by 120,000. It would seem that we do not, under the current law, have any kind of incentive for people to build new apartment units. Clearly, with an increasing population, that's going to have a dramatic impact on the ability of people to find affordable and, quite frankly, acceptable housing.

First off, as you look back in the history of rent control, is there a correlation between the degree to which the government has intruded in the marketplace and the reduction in the construction of new housing units? Secondly, you outlined in your comments that there are a number of steps being taken to improve the incentives to create new apartment units, multi-unit housing complexes. I wonder if you could outline in greater detail some of those other steps as well.

Hon Mr Leach: I don't think there's any doubt that rent control has —

Interruption.

The Chair: Ladies and gentlemen, I've got to have cooperation from the people here to hear the questions and the answers. Interjections from the audience are not allowed. Please, may I have your cooperation. Minister.

Hon Mr Leach: I think there isn't any doubt that rent control is one of the issues that has curtailed the construction of new rental units, but it's only one of the issues and we're very quick to point that out. There are a number of other issues that have to be addressed to get the development industry back into building apartments, and this government is going to address all of those issues.

Some of them are beyond our control. For example, for some unknown reason the GST on building an apartment is 8%; if you're building a condominium it's 5%. We've approached the federal government to try and get that

rectified. We believe it should be an even playing field, that there shouldn't be any difference in the GST on a condo and on a rental building. As a matter of fact, I would encourage the members of the Liberal caucus to lend their support in approaching the federal government in trying to level that playing field.

The other major issue is property taxes. The property taxes on a rental unit can be as much as four times that of a single-family dwelling. We have brought in legislation and given the municipalities the opportunity to level that playing field as well. Property taxes account for about 40% of rent, so if property taxes can be reduced, rents could be reduced as well. Municipalities will now have the opportunity to level that playing field.

We've done a number of other things: development charges, for example; working with municipalities on the building code to make sure we can have the best possible legislation in place to encourage the development industry to get back into the building business. In the 1970s we were building 25,000 units a year. As you mentioned, last year in Toronto there were 37 units built. It's just not acceptable.

Mr Gilchrist: It strikes me as somewhat ironic. I have witnessed in my riding of Scarborough East a tremendous deterioration in much of the apartment housing stock over the last 22 years that I have lived there. There's no doubt that under the current bill that's in place in Ontario today there does not appear to be an incentive for landlords, both public and private, to be making the kind of investments in their buildings to ensure the highest standard of health and safety and aesthetics in those buildings. Clearly those who would defend the status quo are on the horns of a dilemma because that is to defend that deterioration in the housing stock. How do you see this bill improving the ability of tenants to have access to well-maintained and well-repaired apartment housing units?

1030

Hon Mr Leach: By the way, I'd like to point out that 80% of apartment buildings are six units or less and are owned by small businessmen who have invested their income to get a return on their investment. If under the current laws they can't get the money back that they invest, then they're not going to invest it. The same goes for maintenance. If they have to carry out maintenance and the maintenance is going to cost more than they can get back, then they do everything in their means to avoid doing that maintenance. So you have to provide the ways and means for people to get a reasonable return on their investment.

A good analogy I think is if you look at a rental office building in Toronto and you look at a rental residential building. In the commercial building there's every incentive to do good maintenance because that's the only way you're going to attract good tenants. In the residential building there's no incentive whatsoever. You can invest your money and you don't get any opportunity to get it back, so you don't invest it. This bill levels out that playing field again.

Mr R. Gary Stewart (Peterborough): Thank you, Minister, for appearing. I had the pleasure I guess, whatever you wish to call it, of sitting on the hearings last fall when we travelled around the country. One of the

big concerns that many people in the province have is that we are not out listening to the people. I can assure you, after about three weeks, that we were out listening.

After those hearings were completed and on the draft, what type of consultation or input or whatever, other than what you talked about — you had something like 400 letters come to the ministry — did the public have when we finally got down to this proposal in this bill?

Hon Mr Leach: Obviously, after the time you spent on the road last spring, and there were numerous deputations at that time, all the input from those deputations was taken into consideration. We made a number of changes to the legislation as a result of those deputations. We also consulted directly with some tenants' organizations and with landlord organizations as well, gave them an opportunity to review the new draft legislation, and made further revisions after that. I think the Tenant Protection Act has probably had more consultation than just about any other bill this government has brought forward.

Mr Stewart: Another thing, if I may ask — and I'm going to talk about rental units outside of Toronto, because there is a country outside of Toronto, part of which I represent. It was interesting, as we wandered around the country last fall on those hearings, that the vacancy rate had been increasing in a lot of the smaller areas. One of the concerns we heard was that in the late 1980s the previous Liberal government's rent control legislation allowed 30%, 40%, 50% increases, and certainly the various opposition parties are suggesting that this could happen under this bill, much the same as it did under the previous Liberal government. Can you make some comments on why you feel those allegations are not factual?

Hon Mr Leach: What we've done in this bill is to ensure that for landlords to get approval for the 4% capital cap, the work undertaken must be of benefit to the tenants. It can't be for window dressing. It can't be for the marble foyers and the gold-plating. It has to be something that they can justify is to the benefit of the tenants in the building. That's a very important difference from what was in the legislation in place in 1988. In 1988-89 there were increases under that legislation that caused rent increases of up to 100% and a flip of apartment buildings, gold-plating of utilities and marble lobbies that provided absolutely no benefit to the tenant but allowed the landlords to increase their rents dramatically. The legislation we're bringing in protects tenants from that.

The Chair: One final question. Mr Wettlaufer.

Mr Wayne Wettlaufer (Kitchener): Minister, I'm like Gary Stewart here. I come from outside of Toronto, the fastest-growing area of Ontario, Kitchener-Waterloo. During the course of the hearings last summer the NDP were constantly commenting about the Russell report and the fact that the Russell report quoted a 10% average return on equity for landlords over the course of the last 10 years. Do you want to comment on that?

Hon Mr Leach: We contacted the people who put out the Russell report and they were shocked that someone would use their report to indicate a rate of return.

Mr Marchese: Shocked? We quoted them.

Hon Mr Leach: Yes. I have their letter right here, as a matter of fact. Their sample size was 25 units, totally statistically unacceptable to try and draw any conclusion

whatsoever. They had done their report for a specific purpose and that purpose was not to try and establish a rate of return.

We were quite surprised when we heard the NDP talk about a 10% rate of return and that's why we contacted Frank Russell Canada Ltd to find out what their report actually did conclude and what it was based on. They provided that to us and the rate of return is somewhere between 2% and 4%.

The Chair: Any further comments from the Conservative caucus? Then Mr Sergio or Mr Duncan?

Mr Mario Sergio (Yorkview): Mr Duncan first.

Mr Duncan: I just want to begin by saying that I will use about nine minutes of our time and my two colleagues will split the other six minutes, if that's permitted in the rules.

The Chair: Somehow we're behind schedule, but that's not your fault. We'll do our best.

Mr Duncan: The minister made the point, asked a rhetorical question in his statement: "Why two rounds of hearings?" We have reviewed the discussions that took place last summer and know there has been very little changed and that this government's mindset has been the same since the minister said on October 19, 1995, to the Ontario Home Builders' Association —

Hon Mr Leach: Rent control has got to go.

Mr Duncan: — "I've said it before and I'll say it again, rent control has got to go." So when we hear the minister talk about a bill that protects rent control, we know full well that is yet another spin doctor's way of trying to make the public believe something that isn't there. I'd like to spend a few minutes to speak about what's in the bill and what isn't in the bill and what we think the government ought to be contemplating.

Make no mistake, this bill is about getting rid of rent control. There is no question, no ifs, ands or buts about it. Lampert tells us that within the first five years, 70% of rental units, particularly in large urban centres such as Toronto, will turn over; that in fact once that initial turn-over happens and the rent goes up, whatever it happens to go up before the guideline reapplies, in effect you're going to have 70% of rental units in this province decontrolled. So it's a slow death. I shouldn't say "slow"; five years is relatively quick, but it's death none the less. It's slow, slow death.

The minister has acknowledged that harassment is an issue. He's created the anti-harassment unit, which says right in his own legislation he is acknowledging that tenants will face harassment, that tenants will face landlords who will try to get them to move. And who wouldn't?

Let's think about what rent control is. Rent control, after all, I say to the government members, is a form of price regulation. Why do we have price regulation on rents? I'm not from Toronto either. I come from a smaller urban centre, but I say to you that this issue is most important to Toronto and the government ought to proceed carefully in this urban core. I grew up across the river from a city that went down a huge decline in 30 years, and it happened very quickly. I don't want to see that happen to this city. It's fashionable among some to bash Toronto, but I think we should be paying very close

attention because in my view in this province, as goes Toronto, so go the rest of us.

But back to the issue. You decontrol rent, you decontrol price. We regulate the price of water, we regulate the price of natural gas and we regulate the price of cable television, yet this government is suggesting we ought not to regulate the price of housing, that we ought not to treat housing, which can eat up to 40% or 50% of some people's income, maybe even higher in some instances, and inevitably it eats up a greater proportion of the income of those who are less — that we shouldn't control it. Is there a difference between the other types of price regulation? Yes, there is; certainly, there is. They're monopoly situations; there's no question. But when you are a lone tenant against a landlord, particularly a large landlord, I would submit that it is a form of monopolistic pricing when there's no control, no regulation, especially in a market that is completely freed up.

1040

We've talked about the new tribunal and we welcome changes the government is contemplating to resolving disputes between landlords and tenants. We think it's a positive step forward. We don't think anybody benefits from a slow and cumbersome system. I was, however, quite amazed to learn that the resources the government is contemplating allocating to this new tribunal will create an instantaneous backlog that will serve neither landlords nor tenants. You can talk the talk, but you're not walking the walk. That information does not come from tenants' rights groups; it comes from landlords.

The minister spoke about the property tax issue and we agree. The minister said correctly that in Bill 106 they've given municipalities the power to deal with that. But I would submit, Minister, that you've given that power at the very time you're cutting more than \$1.6 billion in transfers to municipalities; you're doing it at the very time you propose to download housing issues to municipalities. I would submit that it will be just like junior kindergarten in that you haven't cut it yourself; you're forcing others to do your dirty work. That's the sad part about this. That is truly the sad part of this.

We will be voting against this bill. Moreover, we'll be presenting a series of amendments to this bill. I will say unequivocally that in two years' time, if we become the government, we will repeal Bill 96 and reintroduce meaningful rent control legislation. This game is a charade. It is not for real. What I find most interesting at this point in time is that even landlord groups share a number of concerns with us, serious concerns, and we will be addressing those throughout these hearings.

We think the government is not showing any vision in housing. Report after report says there's a critical shortage of affordable housing, particularly in Toronto. Even in their book *Boom, Bust and Echo*, the authors say in three to five years the crisis will worsen, and what do we have? We have a government that's suggesting the way to increase the supply of affordable housing is to decontrol the price. We say you're wrong, and not just us, a number of noted economists, and we'll be presenting their evidence at these hearings.

We suspect there will be an increase in the supply of high-end units. The government would argue there will

be a trickle-down. We say trickle-down doesn't work. We saw the reports in the press yesterday. We know that in Ontario in the last six years there's been very little rental construction. The question is, will this promote it? We say no, it won't. We think the crisis will worsen and we will present evidence throughout the course of these hearings.

I'm going to turn it over to my colleagues for the remaining time. I just conclude by reinforcing that in two years' time we will repeal this bill and reintroduce meaningful rent control legislation. Throughout the course of these hearings we will present amendments that will clearly outline the position we will take on this issue when we become the government in two years' time.

Mr Sergio: Minister, you're quite right that we had some three weeks of public hearings, hundreds of deputations, and you're quite right that we need some changes. But after some eight or 10 months we have practically the same bill now, today, that you introduced last year. The changes you have proposed are totally meaningless. They do nothing to provide new, affordable rental units or to provide any protection for tenants. This is the demise of tenant protection and it's a licence to landlords to set rents, nothing more, nothing less. Rent control will be gone.

If you're serious in saying you're going to make some changes, then make a commitment today that once these hearings are over, based on what you hear, you will make those changes. Only then can we believe you that you mean what you say. Unless you do that, tenants certainly cannot take you seriously.

There is nothing in the bill that would let any builder, developer, go on the market and build new units. During the three weeks of hearings last year builders, and there are some here today — are my three minutes up?

The Chair: You're getting close.

Mr Sergio: Then I'll pass it over to my colleague for the last three minutes, unfortunately.

The Chair: Mr Sergio, we're not out of time, it's just that we're running miles behind if we want to hear deputations this morning, but then again that's not your fault.

Mr Sergio: That's fine. I hope we'll have some other opportunities.

Mr Mike Colle (Oakwood): Minister, this is another one of your basic exercises in trying to fool people. In the last election you went door to door in your riding and said you would protect rent control. Now you're eliminating it. You're not fooling any tenants in this province. You're committing another fraud, and that's simply what this is. You're getting rid of rent control to please your big landlord friends. That's what you promised; that's what you're putting up for slaughter here. Affordable housing is being sacrificed to make your rich friends richer.

Look at your legacy, what you did when you got into office. You basically got rid of all funding for new non-profits. You had 300 affordable housing projects in the works; you got rid of 300 affordable housing projects. You talk about your commitment to maintenance in this bill; you've cut \$100 million from the Ontario Housing Corp budget for maintenance and construction. You're

abandoning people who are having a hard time making a living, the most vulnerable in this province. You're leaving it up to condo conversions.

I don't know if you remember the motorcycle gangs that went into apartments. That's what you're inviting back into apartments across this city, across this province. Demolition is the other thing you're inviting, demolishing existing units. We know you're trying to set up a straw man in saying that apartments are all run down. Most apartments are not run down. Most of them are in pretty good shape.

Sure, landlords need to be pushed a little, but you're not going to push your friends. You're not fooling anybody. They're going to get off scot-free. All you're doing is paying off your friends by getting rid of the government's important role in housing. Your government has said specifically that it's not the government's role to be in the housing business. You're getting out of it because you want your friends to have that business. That responsibility is now being left in no man's land because you have essentially sold out the three million tenants in this province to your rich friends, and who knows what's going to happen?

Our party is committed to repealing and bringing back rent controls in the next government. People have caught on to your act. You promise one thing — you promised local government, you brought in the megacity; you promised them rent control, you brought in rent decontrol. This is a tenant rejection package, this is a landlord protection act, that's what it is. You're protecting your rich landlord friends.

Interruption.

The Chair: The four women in the front row, you've been warned. I've given I don't know how many warnings that there are no demonstrations, no comments, no applause. One, two, three four: You can't continue to do that or I'm going to have to ask you to leave.

1050

Mr Colle: The proof of it too is the elimination even of the rent registry, so tenants won't even know what the rent is on their units. You're eliminating that because you don't want anybody to know what the rents are. This is a systematic dismantling of a protective housing package, affordable housing that has built up over the last 20 years. You are tearing it apart. Why are you tearing it apart? As I said before, because you're not interested in that senior who is trying to make ends meet; you're not interested in that person on disability; you're not interested in that person's social housing who can't afford to live in the luxury apartments that are being built.

Since you've been minister, for the last two years, only 37 rental units have been built. They're not going to build any rental units, because they know all they're going to get any money on is building luxury units. You're leaving people to live in basements, you're leaving people to live in substandard conditions, which we got away from. Now you're putting people back into basements, you're putting people back basically on the streets. That will be the legacy of you as minister of housing destruction.

Ms Marilyn Churley (Riverdale): I'm just going to speak for a couple of minutes, because I have to go off

to a press conference on the issue of the dismantling of pay equity in this province. Minister, during the election campaign — this is déjà vu all over again — you and several of your colleagues in the Toronto area promised categorically not to get rid of rent control and in fact that you would improve it. I honestly have trouble believing that you believe deep down inside that you have improved rent control, because as my colleague will elaborate, you are de-rent-controlling, you are getting rid of it. That's really obvious. People can't be fooled by the fine words you use about that. It's going to disappear.

I am genuinely very worried about low-income and middle-income and particularly fixed-income people in Ontario, in my riding, in East York, in other ridings. Yes, in Scarborough too. I am deeply concerned and worried. I'll tell you why. It's not only the decontrol of rent but also that the government has gotten out of affordable social housing. If you look at the studies that don't support your views on this, you will see that we really are heading towards a very serious housing crisis in this province. It's really important for you to look at the evidence. I know that Metro recently, just a couple of days ago, came out with a study, and there are deep concerns about lower-income people and people on fixed incomes.

I would say to you in all sincerity that I hope the members on the committee and you, in this second round of hearings, will listen better to the tenants, who are here because they have the same deep concerns we do. It is not rhetoric. It is not fearmongering, which has been proposed and suggested by you and other members of your government; it is serious, deep concern about what this is going to do.

I hope very much the committee will listen closely to what people have to say, not just the landlords but the tenants and — I'd like to dump the bill, but I know you're not going to do that — make some very huge changes and amendments to make this a little more balanced for tenants.

Mr Marchese: Minister, I have the pleasure of disagreeing with 99% of what you say. I leave 1% in case I might have missed something. This is a matter of déjà vu for me in particular, because I hear you with the same message I heard last time. I hear Mr Stewart saying, "We're being accused of not listening to people." He's right. He is not listening to people. We're accusing him, as all tenants are.

Some 70% of all the tenants' organizations and many lawyers working with tenants who came in front of those hearings we had last year said, "Leave rent control alone." Not rent review, which we had under the Liberal years, but rent control, "Leave it, we like it; if anything, improve that."

The only people who agreed with you were the landlords, the developers and some Tory people you had come in to tell you how good you guys are. Those are the only people who told you that you were doing a fine job.

I know you don't like to hear it, but those organizations that came to depute said your tenant protection package was not a package that protected tenants. They told you, "How dare you call it something that does nothing for us." It misleads the public, obviously, because

the words "tenant protection package" do nothing for them. That's why people said this is for landlords. I agree with them; this is for landlords.

You and your colleagues have made it very clear that you've taken sides, as the NDP has taken sides. We've taken side, by and large, with tenants. There are 3.3 million people who are tenants. You said quite clearly that you've taken side with the landlords. The divide is quite clear.

There is no balance in this package. What you have done is to restore balance for the landlord, not restore balance for the tenant. That's what this package is all about. That's why we are seriously worried about what's going to happen to tenants.

What we know and what you know is that 72% of all tenants do not vote. That's why you're about to whack them over the head with this bill. You know that most of the tenants do not vote. My hope is we can change that so that we can teach you a lesson, so that tenants can teach you a lesson. Clearly, if you knew that 70% of the tenants did vote, you would not be doing this. You're banking on tenants falling asleep again as you do this to them. My hope is that it will change.

We know that 70% of all people move within a five-year period. Your own report, M. Lampert — this is the report; I've looked at this very carefully — said that 70% of the people move. You know, therefore, that this in effect kills rent control.

Let's say some people become aware of this and only 60% or 50% of the people move. You still effectively have a population that's going to move and that's going to be affected by the decontrolling of rents. That's the serious problem we have, where most people are going to face rent increases even though you don't admit to that.

The rest of the people who stay, by the way, are sitting ducks. You say if they stay, they're okay. They're not okay. I want to explain to you why, because you never talk about this. First of all, you have the guideline increases of 2.8%. If inflation goes up, that goes up too. You know that. At the moment landlords are allowed a 3% increase for capital repairs. You've added 1% extra on top of that. You don't talk about it very much, ever, but it's 4%; 2.8% plus 4%.

Hon Mr Leach: I said it this morning.

Mr Marchese: I'm repeating it, therefore, for you. You see, I might have missed something. That's 2.8% plus 4%; it's 6.8%. What else have you done for the sitting tenant who stays in that apartment? You've now allowed the property tax increases and the utility increases to be passed on. You don't talk about that, do you?

Hon Mr Leach: Or decreases.

Mr Marchese: What decreases?

Hon Mr Leach: If the property tax decreases, the tenants have the ability to go in and ask for a rent decrease.

Mr Marchese: But not all tenants are covered by that, as they were in the past. Only the people who make application for that would get a rent decrease, not everybody, which was automatically the case in the past. M. Leach, that is the case. All right, you can disagree but that's the case.

Hon Mr Leach: You're wrong.

Mr Marchese: As usual, you're right, you're always right.

We've got a problem here: 33% of the tenants make less than \$22,000. They're about to be whacked by a rent increase through your legislation, where property tax increases plus the extra per cent could amount to anywhere from 8% to 9% to 10% rental increases. That is a lot for people —

Interjection.

The Chair: Mr Minister, you can have a debate, but you're going to have to do it through the Chair.

Mr Marchese: It's all right. I don't want to waste any time. People who are earning very little, as you know, many people who are acquiring new jobettes or the little McDonald's kinds of jobs, are not going to be earning a lot of money to pay the kinds of rents you are about to inflict on them. They're in trouble.

You also say you want competition and your fine friends are going to start building. Mr Lampert, your friend, the guy you hired, that economist, says there's a \$3,000 gap. Do you know what it takes to build that \$3,000 gap? A whole lot, including giving away land, which is part of the basis of that Metro report I read yesterday. They're dying for you to give them land for free so they can build like the good old days when you guys were in power in the 1960s and 1970s. If you gave them land or interest-free loans, of course they were happy to build, because it's a giveaway, but you're giving away our treasures for private profit.

1100

Why would we build if we have to give free land or interest-free loans to these people, your developer friends? Why would we do that? I'll tell you why we do that. We do that because you're taking sides with landlords against tenants. That's my fear. There's not going to be any building. We won't have a crisis in five years; we have a crisis now.

You've gotten out of the field and your private friends are just waiting for you to give them a whole lot in order for them to build. That's coming. I predict it's coming, because you will be faced with a crisis where you will have to give something away. I'm not sure what the Liberals are talking about when they talk about meaningful rent control versus the rent control we had in place.

You talk about the maintenance problems. There's a \$10-billion problem, you said. What happened to those dollars? Under the good days of the Liberals we had rent review and rents went skyrocketing, incredible increases from 10% to 110%. Where did that money go? I'll tell you where it went. It didn't go for maintenance; they used the money to go buy other apartments and they built up a debt problem, the maintenance problem. So finally you come into power and say, "We've got to get rid of the NDP because these poor landlords are starving." They're not starving, Minister. They're making a good profit.

I urge you to call M. Barnicke, your friend, and ask him to expand the study beyond the 25 people they said they did. Expand it so we can see whether the profits are, as they say, 10% every year. I'd like to see such a study. They're making good bucks, otherwise they'd be out.

The Chair: A couple of minutes, Mr Marchese.

Mr Marchese: This is what the maintenance problem was all about. They're not spending the money they have made, the guideline increases, the increases of the past, on maintenance, because if they had, we would have had buildings that were in good standards.

You talk about this tribunal. You remember, Minister — I don't know if your friends told you this — that 95% of all cases are dealt with very well by the existing system. Only 5% of the cases were not being dealt with well. You now propose to change that system that by and large worked well and replace it with a tribunal. Who knows at what cost? Who knows at what physical cost to people who have to go through that change?

We know through the family support plan the kind of incompetence we've seen with that restructuring. Who knows what's going to happen with this? Who knows what's going to happen with your political appointments of these people on the tribunal? They're not going to be my friends; they're going to be your friends, friends of landlords. We're worried about those political appointments and we're worried about your new tribunal.

Your harassment stuff that's supposed to help tenants — all the seniors who came in front of our committee said they're afraid to deal with the caretaker, because when they have a problem with mice or rats or plumbing, they're not going to take the landlord on if there is something that is being done unfairly by them, because they're afraid. It's emotionally exhausting to take them to the tribunal, given the length of time it takes, the emotional ordeal it takes. They're not going to take the landlord to that tribunal. So you're proud of saying, "The fines are much greater than before." It doesn't get rid of the harassment problem. Seniors are still going to be hurt by this problem.

I want to remind you that British Columbia did exactly what you're doing now. The result was higher increases and no building whatsoever. You want to reproduce what has failed. Why do you want to do that? Why would you reproduce a failed system in British Columbia and bring it to Ontario? I can't understand why you would do that and you've got to seriously consider the impact you have on all tenants, the low-income in particular; you've got to consider the impact on changing the measures you've introduced that affect care homes, where these people are seriously going to be thrown out even though there's a care arrangement between the person and the landlord. Your measures will force these caregivers to throw these people out. I hope you will reconsider all that.

The Chair: Mr Marchese, thank you. Mr Minister, thank you for coming and making a presentation to the committee this morning.

GOLDLIST DEVELOPMENT CORP

The Chair: Our first delegation this morning is Goldlist Development Corp, George and Max Goldlist. Gentlemen, thank you for coming. You have 20 minutes to make your presentation, although unfortunately we're running almost 10 minutes behind schedule. But I hope we'll all cooperate this morning.

Mr George Goldlist: Unfortunately, after listening to what was going on — I didn't bring my own tenants — I wish I had brought some of my tenants.

The Chair: The floor is yours, Mr Goldlist. Could you identify which of you is which?

Mr Goldlist: I'm George and this is my brother Max.

I think some of the committee members here are aware of where I come from, but just a quick history: We started in the construction business in 1952. That was 45 years ago. We got heavily into rental housing in 1958. We're probably the last ones who built rental accommodation.

We have no problem with our tenants. We've always treated our tenants right. We have never had a turnover in the numbers they're throwing out there. We own more than 5,000 units and we manage probably about 7,500 or 8,000 units. We don't have problems with tenants. We treat them fairly. They're our customers and we look after them. We think it's the government, starting off with Bill Davis and following up with the Liberals and obviously following up with my friends here, the NDP. They kept adding on more paperwork.

I graduated as an accountant. I like the construction business. I'm a brick and mortar man. I like to see. We're out of the business. We've got more consultants working, more guys trying to protect tenants. If they're trying to protect tenants, I want to know what their objective is, because if I give you some numbers on realty taxes, they're sickening. Every time I hear how the tenants have been taken by their friends and the amount of money they pay extra because their friends have the landlord as the dragon — they keep on shooting at the dragon. Unfortunately, the tenants get caught in the crossfire.

There is no problem with landlords and tenants. On the basis of our buildings — I was going to say 95%; I'm going to say 98% — we have had an excellent relationship with the tenants. They love our types of buildings and we give them good value. But what has happened, first with Bill 4, which our friend is very familiar with? We had a building, we were ready to spend \$4 million to \$4.5 million to renovate that building, the same as we did the others in that development. They brought in Bill 4 and our financing was cut off.

I want you to know the tenants are a lot more intelligent than you give them credit for. The buildings where the rents were a little higher were full; the ones that were not up to our standards we had trouble renting. They didn't mind paying 5% or 6% more because they were getting value. You took that power away from us. I resent it and I resent a lot of things being said about landlords being greedy. We produce; we hire thousands of people. The day Bill 4 came through, we let go 40 people from our staff, and that was a nightmare for us, because you know we hire people who work. They're not minimum wages; they're wages in the construction industry.

I wanted to give you our history. We've been in this business a long time. If anybody tells you, "Do not change the act. It's not broken; don't fix it," they must come from Mars. If you go out in the city, in the greater Toronto area, you will not see one crane building rental. I'd be very surprised. I love rentals. We did very well by rentals, the tenants did well by us, until we got the

politicians involved. That's when things started going downhill.

We are looking forward to building more rentals. We love it; the tenants, my friends — I live in a rental building, in a Goldlist building. I enjoy going up and down the elevator. They like to get the best rent possible, but are they also fair, a lot fairer than some of you politicians are. The tenants know they get value. They'll pay for it and they're happy. They always want less, but that's human nature. We feel that the existing rent control has stopped us from considering building anything, no question at all. It's not even a question of gap, it's an emotional thing. We don't think the people who come here with big piles of paper know anything about rental accommodation like we do, what I was brought up into. My father was in it. I was in it.

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I know that people come here — at the last hearing three people came, and each one brought a pile of paper like this and they took turns reading. I said, "I wonder if they know anything about rental accommodations, but they know how to produce paper." But paper is not the place where people want to live. People want to live in bricks and mortar that we can provide.

We're not that happy with the new bill. There's too much up and down. Quite honestly, I don't know if that's the right way to do it, but certainly what we have now is not working for the tenants or for the landlords.

I'm going to give you some comparisons of realty taxes. I think the friends of the tenants should stand up and be counted and not tell me stories: "Well, the homeowner will have to pay, the senior citizen." But there are also senior citizens in apartment buildings who are being screwed by their friends. Like the saying goes, "With friends like that, we don't need any enemies." Yes, there are some landlords who take advantage, but we're in it for the long term and we've been in it a long time.

My major problem is that you've got too many people mixing in who don't know anything about rental accommodation, and we cannot build. I'll tell you right now, if you look out the window, not too far, there's a crane down the street at Wellesley. We've got the crane, but it's condos we're building.

I'm not going to knock the NDP completely. There must be somebody there who knows something. They went and made a joint venture with us as partners. We were doing a partnership deal when the NDP government was in force. So I've got to give you credit for that. You guys did see the light sometimes.

We're doing it, and by the way, we're going to do well, the province is going to do well and it's going to be a nice development.

Mr Marchese: God bless.

Mr Goldlist: Thank you very much.

The capital improvements we're going through — let me tell you this BS I hear that rents are going to skyrocket. We had a case in my riding, East York. I live there and we have a lot of buildings. There was an NDP member there. He came to a meeting of the tenants before the last election. I did not invite him. I invited the Liberal and I invited the Conservative. Let me tell you why I didn't. I wrote him a letter, I think three letters,

that we were very heavily involved in this riding, we also live in this riding, and it would be a pleasure for me to meet him to give him my opinion. He didn't have time for me. He was too busy. So I called this meeting before the election and invited John Parker, who's our member, and the Liberal candidate, and all of a sudden he showed up. I was in the audience and had tenants with me. The tenants were there. He said: "Well, the Conservatives are going to increase rents 25%. You're going to have to pay a 25% increase in rents." So then I got up and said: "I don't know where you get this information. If I increase by 25%, and my tenants here all know me, I'll have an empty building."

Do you know what an empty building means? Bankruptcy. We know one thing: If we don't watch our costs and don't keep the increases at a reasonable level, half of our tenants can afford to buy condos in the greater Toronto area, because with the interest rates now they can buy, and the other half might not be able to afford to pay the rent. We're not stupid. We know this business and we've got to watch our increases.

I have the view that yes, the new bill is an improvement, but the key is, can you get a committee of each party to work together with developers to bring new product out? The buildings are deteriorating. You know what's happening in Regent Park. There's no question. It doesn't matter who — a building is like a living soul. It has to be looked after and looked after and looked after. If you don't, you've got a problem, and this province is facing a problem because nobody is building any rental accommodations.

In all fairness, the provincial government decided to get out of it. I don't want to know what the amount is, what the subsidy is, but I bet you it's close to \$1 billion going in and subsidizing housing in this province now. Private industry could do it for half of that and still provide the same cost, the same services. This non-profit is a great thing but I don't know for whom. Not for the provincial taxpayer. He's been fleeced enough. He says, "Stop the music, I'm getting off."

If anybody thinks that with this new legislation we're going to increase the rent and we're going to harass any of our tenants, it's like saying every time we throw out a tenant, we're going to have a party. Well, it's not true. We want our tenants to stay. We know the cost when a tenant moves out and a new one moves in. The tenant who stays, who is happy, who pays his rent is our business. We're in business to make money, there's no question. If that's illegal, then maybe we're in the wrong province or the wrong country. But our tenants are satisfied. If we do that, they'll stay. They know the turnover is not that great.

We're a big landlord, that's quite true. I don't apologize for it. I love it. When I go up the street we've got tenants, and it's just a thrill. All these guys come with their big packages and tell you I'm so bad. Maybe I'm bad. My grandchildren love me; my tenants like me. I don't know, maybe I'm a bad guy. As a matter of fact my tenants, and I'll admit it, helped me educate my kids. It's a business I'm in. We provide a service.

You might be in shock, but when we first built apartment buildings we used to get a rebate for empty suites

to encourage us to build; that down the road they'll be filled up and we'll start making money. That was a different climate. Now we've got tenants. I don't know who these tenants are, where they're screaming that the landlord is taking advantage of them. I don't look so mean and I am not mean. I even put a tie on, special, today for you guys. So I can say something about this.

Let me just come up with a few things about building new buildings. If we could get together, I have now sitting on my desk in my office my architect's plans for 250 suites, to build rentals. If we can get that gap down to earn 5% or 6% in the next three years, we would do it, but we need your help; not your help to yell that the landlords are screwing the tenants. It's their friends who are screwing the tenants.

Let me give you some numbers on realty taxes. The tenants don't even know that. The GST, and the minister brought that out, is still a shock to me. Why would I pay 7% on a rental building if I want to build it and I'm building condos and I pay 4.5%? That's our friends in Ottawa. I can't figure that out. They're the friends of the tenants. Why am I going to pay 7% — it goes into my costs — on GST? If I build a condo it's 4.5%.

Mr Marchese: Is that what you mean by friends of tenants?

The Chair: Mr Marchese, please.

Mr Goldlist: I mean everybody. I don't get personal. You know me. I'm a nice guy. Don't take advantage of me. I'm not a talker, I'm a builder. You know me. Bricks and mortar are my job. You know I hire lots of our friends. They stay with me 25, 35 years.

Mr Marchese: They're good workers.

Mr Goldlist: That's right. Excellent. Oh boy, I love them. Their biggest nightmare was Bill 4. We had to let go 40 people. It wasn't right. I don't sleep because I haven't got money in the bank; I didn't sleep because of people I know whom we had to lay off, and not hire people. That upset me.

There's a story. Let me tell you, this is a perfect example. Please take note of this. We built a condo in Thorncliffe Park. For a two-bedroom condo the realty tax for the year is \$1,552, which is \$130 a month. We've got a much older building up at 47 Thorncliffe, a two-bedroom, not as fine as this condo because we haven't got the appliances, we haven't got the laundry facilities — the realty taxes in that building per suite are \$2,907. That's \$242 a month compared to \$130. My blood pressure goes up every time I see that. I say, "Why should our tenants pay \$242 a month compared to \$130 for the people in a building we built later?" I don't understand it. You're the friends of the tenants. Tell me. Give me an answer.

What I would do, if the saving is a 50% reduction in the rent of a tenant, we'll put 50% in a fund so we can do capital improvements and we don't have to go for increases. You tell me why the discrepancy is there. If you have any questions, please take down my number. Do you realize that the tenants know —

The Chair: A couple of minutes, Mr Goldlist, please.

Mr Goldlist: We have certain ideas that we could build because we're in this building business. I've got people with me 25, 35 years, construction people. How

do we build rentals, which I really enjoy? We're doing fine with condos. We're partners with the province. They've got a cheque, they'll be getting another cheque, that's great.

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The thing is, how do we sit down and resolve this problem so that we can build? If we can get a 6% or 6.5% return, we get into that business, because there are tax benefits, depreciation, so we would work. But if you're going to keep on hassling the landlords that we're bad guys, we're not going to get any production. People come in here with their big books and paper; I've never seen them build one unit. But there are so many consultants around. What are they doing? What are they producing to take the pressure off?

When we started building at first, a young couple who got married could come in, have a choice of an apartment. They could pay a reasonable rent. It was great. Some of those people stayed with me for 25, 35 years. Some who came got married, had a couple of kids, they bought a house. But the rent was acceptable, they could afford it. They can't afford the rent now because you fellows are not doing the job and because you're pointing the finger at the landlord in every way. The tenants say, "Hey, hey, that's it," but it's not true. I get my tenants out, "Don't criticize George Goldlist," and our friend knows that but he's not here.

The Chair: Thank you very much, Messrs Goldlist, for coming this morning.

Mr Goldlist: No questions, nothing?

Mr Sergio: We have no time.

Mr Goldlist: Why didn't you cut me off?

The Chair: Before I lose complete control of the meeting, Councillor Walker, from the city of Toronto.

Mr Colle: This bill won't allow you to build any more units the way it is right now.

The Chair: Mr Colle, we're on to our next delegation, please.

Mr Goldlist: Don't showboat, okay, Mike?

The Chair: That's like asking him not to breathe.

MICHAEL WALKER

The Chair: Good morning, Mr Walker. The floor is yours.

Mr Michael Walker: Can I start?

The Chair: Yes, thank you.

Mr Walker: Last year when I appeared before the committee looking at the province's proposals for rent control, I could not believe that the province was considering such a dramatic change with so little justification. This proposed legislation effectively strips away most of the existing protections for tenants. Now I cannot believe that I am here again and the province has not listened to anything the people have said to them.

I think it's disgraceful that the provincial government is rushing this legislation through without listening to the tenants of this province, who represent 3.2 million of its population. The province heard thousands of people approximately a year ago criticize the proposed law, both in terms of general intent as well as specifics. On the other hand, I can count on my fingers the number of

groups that supported it, including Mr Goldlist. So why is the bill here today in essentially the same form as when it was first proposed?

I have always said that the existing rent control should be strengthened, not removed. The Rent Control Act is a wonderful foundation to build a better future for tenants. What the current system does not do and what this bill does not change is the fact that there is no incentive for landlords to maintain their buildings properly. I've always believed that every landlord should be required to keep a capital reserve fund of money for future repairs. For seven years now I have said that the only way to ensure that apartments are properly maintained is to have a portion of each tenant's monthly rent set aside as a capital reserve fund. The money must be deposited in a special bank account, registered to the building and not to the landlord, and it must be available for capital repairs to the apartment building and nothing else.

I don't believe, through my 15 years as a councillor, that allowing landlords to raise the rents higher will mean that they spend more money on upkeep, because they won't.

Minister Leach has said that this legislation will "give landlords greater incentive to maintain their buildings." But in fact the rental housing industry is already achieving rates of return of 10% each year on average. This suggests to me that property owners do have money for maintenance. However, there is no requirement in law that they put some of this money back into the buildings they own to improve their condition.

Bill 96 spells disaster for many tenants, and I must say I am even more certain of this than I was last year when the changes were first announced. By its very name, the bill tries to suggest that tenants will be "protected" by this legislation. Tenants who move are not protected at all, because landlords can charge whatever the market will bear on vacant units. Because 20% of tenants move every year, most of the market will be decontrolled within five years. We have had a depressed rental market in the recent past and there is no place for rents to go but up.

There will be very little real protection for tenants in older buildings where the owner sees an opportunity to convert to a condominium or to demolish the building entirely. Councillor Gardner and I could go through north Toronto and point out to you 50 smaller buildings that are waiting for speculators to demolish or to convert to condominiums.

Bill 96 will repeal the Rental Housing Protection Act, which has been a very effective tool for municipalities concerned over the loss of affordable rental housing. There are some protections for tenants but none that any smart developer couldn't find a way around, and you know it. Remember that when British Columbia abandoned rent control in the 1980s, the effect was devastating. In Vancouver, 8% of rental housing was converted to condominiums and 7% of rental housing was demolished. The most desirable neighbourhoods and those close to downtown had rent increases ranging from 11.6% to 28.7% in one year.

The government may try to counter these facts by suggesting that the rental industry will start building

again when existing regulations are removed. But this did not happen in BC. Most of the new stock was high-end condominium buildings, and you know that's what will happen. Experts in the development industry in Toronto say the private sector simply can't afford to build affordable rental housing and make enough of a profit. Mr Goldlist told you that. He criticizes social housing, but he basically wants you, me and other taxpayers to subsidize him through rezonings and other creative solutions where he gets a lot of freebies. That's what he wants, and we don't even own the housing stock afterwards. He just makes his profit at our expense. Mr Duncan mentioned that last night in his speech, and it's true.

The myth that the province is trying to propagate is that sitting tenants will be protected somehow; that is, if you decide not to move, you won't get a large rent increase. You will be able to keep your apartment, if it isn't converted or demolished, and generally things won't change much at all. That is where the impact on tenants could actually be the most disastrous.

Under the new law, landlords will be allowed to apply for above-guideline increases of 4% for capital repairs as well as unlimited increases for higher utility costs and tax increases. As well as this, the combination of social service downloading and the move to current value property assessment — market value assessment in disguise — will spell disaster for thousands of tenants who stay put in their apartments.

The effect of downloading alone will increase property taxes on average by 10%. Current value assessment will generate another tax increase for properties in the best locations. If there is no cap on increases, then many rental buildings could see their taxes go up a lot. Because of the Tenant Protection Act, it is the tenants who will have to bear that cost. This will come as a big surprise to tenants who thought they were "protected."

It is time the government listened to the people. Over 60% of the residents in north Toronto and the city of Toronto and over one half of the residents Metropolitan Toronto are tenants, and there are 15 government members in that area. Thousands of them have denounced this proposed legislation because they are the ones with the most to lose if it is passed. Bill 96 spells disaster for them. Bill 96 spells disaster for a stable and viable city that works for people, and I urge this committee to recommend that this bill be scrapped and that you start over again with changes that will build on tenant legislation to truly protect tenants; that is, build on the Rent Control Act and the Rental Housing Protection Act and the Landlord and Tenant Act, to name three. Thank you.

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Mr Wettlaufer: Mr Walker, thank you for appearing before the committee again this year. I want to ask you where you get your figures of the rental housing industry already achieving rates of return of 10% each year on average.

Mr Walker: It was a quote from an article last year in the Toronto Globe and Mail. I had it in my earlier speech, which you have a copy of.

Mr Wettlaufer: Was it by chance the Russell report?

Mr Walker: Yes.

Mr Wettlaufer: We've already heard this morning that the authors of the Russell report have suggested that it was totally improper to be quoting their report as a justification for how much the rate of return actually is. Maybe you can tell me how many apartment units are in the city of Toronto.

Mr Walker: There are over 170,000.

Mr Wettlaufer: Do you think that a number of 25 buildings would be an appropriate figure to use as a sample on the rate of return?

Mr Walker: To be perfectly honest, yes, I do, because when we do a poll determining the popularity of a government or at a point in time the popularity of parties running for election, a poll of 1,000 across 30 million people is accurate 19 out of 20 times within two percentage points.

Mr Wettlaufer: Let me tell you that the authors of the Russell report suggest that it is not. They don't believe that theirs is an appropriate sample. I can tell you that the actual rate of return in the province is between 2% and 4%. If I wanted to invest my money, I certainly wouldn't invest it in an apartment building where there's a risk at 2% to 4%, when I can go to the bank and get 2% to 4%. I can get more than 4% on a GIC. Why would I take a risk?

Mr Colle: I think we're here to talk about tenants, not about our GICs.

Councillor Walker, I want to commend you. I know as a lifelong Conservative, you have fought for tenants' rights —

Interjections.

Mr Walker: A red Tory. A little different from these guys, eh?

Mr Colle: If I may continue, you have been an advocate as a councillor for tenants' rights, whether it be the NDP government, the Liberal government or the Conservative government. You have a proven track record and your residents — I've been at a couple of your meetings up in north Toronto — certainly recognize that. Are any of the tenants' associations or tenants you have talked to in support of Mr Leach's landlord protection act?

Mr Walker: No, not even the committee established by Bill Saunderson, the MPP, through his riding association. They came out against the legislation unanimously.

Mr Colle: So there are no tenants who seem to support this in any way, shape or form?

Mr Walker: You might be able to dredge up one, but I don't think — the answer is no.

Mr Colle: The other thing is, I know you mentioned the fear of speculation and the conversion and the demolition, especially in areas that are in high demand in your area of north Toronto. Could you expand on that a bit, what this bill might introduce in terms of the speculative aspect? Not too many have touched upon that.

Mr Walker: The present Rent Control Act and the Rental Housing Protection Act eliminated speculators. In the early 1990s the speculators disappeared and things have settled down. What will happen if you remove this legislation is we'll get back into the speculation. The speculators will see rental housing as a speculative commodity and they will spot the developments that they

can convert. They will go in and will get rid of the tenants and convert them to condominiums. They'll get rid of them through extensive renovations and use that to evict. One way or the other — they'll buy them out, whatever — they'll take that apartment building out of the affordable rental housing market.

I can take you and the members around here and show you the buildings they'll tear down. They're on a fairly big piece of land. They may only be three-storey walk-ups, 40 or 50 years old. It will be allowed only two times coverage and the developer will go in and try and get six. That's the only way Mr Goldlist would ever build anything.

So they'll be torn down and the rest will be like on Balliol; they'll do a luxury renovation route. It feeds speculation. You've got to take the speculators out of the market. They have to be told by government that rental housing is not a speculative commodity, period. The only way to do that is through legislation, and we have good legislation in place.

I agree it needs improvement; I've criticized you all. I've criticized the Liberals. My job is to represent the people who put me there, and for 60% of those people I have to do what I think is best and what they tell me is best for them. I think that you, Mr Colle and Mr Leach, are there for the same purpose. In a democracy, we are there to do what the people want us to do.

Mr Colle: It's just that this bill really is great for the speculators.

The Chair: Thank you, Mr Colle. Mr Marchese, please.

Mr Walker: This bill is the key formula for speculators.

Mr Marchese: I must admit I prefer red Tories to Reform Party types.

Mr Walker: How about Conservatives with conscience?

Mr Marchese: I prefer them too.

Ms Churley: I worked with him. He's not a red Tory. *Interjections.*

Mr Stewart: Why don't you talk about the bill?

Mr Marchese: Absolutely. Let's get back to the bill. I'm ready, Mr Stewart. Mr Walker, he's very sensitive.

We have a big problem on our hands. You may have M. Leach this morning, the Minister of Municipal Affairs. He talked about *déjà vu*, and I see this as *déjà vu* too. Round 2, to listen to very much what we heard before. Nothing has changed except what they have put in for the landlords. They say they need balance; this is a balanced approach; this helps tenants, helps landlords. He also says, "This legislation will cut red tape, improve maintenance, help to encourage investment in new rental housing and give the taxpayer a workable system at a reasonable cost." Sometimes I wonder whether they're serious. I think, do they really mean it? Is it a game? If they mean it, it's worse, I think. What's your response to stuff like that?

Mr Walker: In my opinion, it won't do any of those things. Some 3.2 million residents in this province deserve \$24 million to be spent on them to provide safe, secure and affordable rental housing. That's a finite statement I make and I make it from 15 years as a

councillor in a downtown urban centre that has 60% tenants.

I've been through all three levels of government and the previous government under Bill Davis, we're proud, or I am, that we introduced I am the first rent legislation, tenant protection legislation, because there was a clear need for government intervention to ensure that there was stability and security.

Mr Marchese: You heard Mr Goldlist say there would be no rent increases —

The Chair: Mr Marchese, I believe we're out of time.

Mr Walker: There will be.

The Chair: Mr Marchese, please help me out here. Mr Walker, thank you very much for coming.

COALITION TO SAVE TENANTS' RIGHTS

The Chair: The final delegation this morning is Barb Hurd and Elinor Mahoney, who represent the Coalition to Save Tenants' Rights.

Ms Elinor Mahoney: Which two microphones should we take?

The Chair: You're doing fine right where you are, Ms Mahoney. Welcome, and perhaps you could start.

Ms Mahoney: Let me introduce us. We're two of the gang of four. My name is Elinor Mahoney. I'm a community legal worker at Parkdale Community Legal Services, and this is Barbara Hurd. She is chair of the Federation of Metro Tenants' Associations. The two of us are here today representing the Coalition to Save Tenants' Rights, which is a province-wide coalition.

I want to start off by saying that it's very heartening to hear the minister say this morning that he is willing to listen, because what we are probably going to do in our brief today is outline the major concerns and problems we have with the "tenant rejection act," as we prefer to call it. But we want to assure the minister that we are quite prepared to discuss with him and his staff improvements to the bill, whether they be minor or major. So we too are willing to listen and we too are willing to speak.

First of all, why would we want to fight against a bill whose name is the Tenant Protection Act? In a nutshell our answer would be because it removes protection. It doesn't add protection for tenants. We believe, contrary to the minister's position, that it threatens to cause grievous harm to tenants and the rental housing stock of Ontario. That's why we have decided to call it the "tenant rejection act," because through it, we believe the government is rejecting tenants in Ontario and catering to the interests of landlords, land speculators and developers.

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It's important for the minister and members of this committee to understand the enormity of what the Conservative government is proposing to do. It proposes to tear down the shelter of protection that took 30 years to construct. In doing so, it is violating principles of tenant protection acknowledged and endorsed in the past by all three political parties represented here.

I'm going to talk a little bit about these principles, which we refer to as the pillars of tenant protection, pillars supporting a roof that shelters us from homelessness. We believe that there are four pillars, quite appropriately, with a house. The pillars are affordability,

quality, security of tenure and supply. The minister has talked a lot about supply today and we will address that briefly, but mainly we'll be focusing on the other three. All four of these pillars must be in place, otherwise the roof will cave in and tenants will be left out in the cold.

The first pillar, affordability: Unless tenants can afford to pay their rent, they have no access to shelter. The minister indicates that he wants to give tenants choice in housing, and we echo that, but there is no choice if you don't have the bucks to pay it. It doesn't matter whether it's a vacant unit that a landlord has jacked up the rent on or whether it's one of the new units the minister is convinced will be built. If you can't afford it, then you have no choice in housing.

We have news for you. Rent review and rent control were a response to rent gouging and the resultant political pressure from tenants. These landlords are still in business and they are ready for action, and we still have a very low vacancy rate in many of the places in Ontario; I realize not in all, but in many places we have a low vacancy rate.

The tenant rejection act will destroy the pillar of affordability because it allows unlimited rent increases whenever a rental unit becomes vacant. Every time that happens, you can talk about the stock of housing, but the stock of affordable rental housing will get smaller.

Mr Leach makes much of the fact that tenants who stay in their apartments will continue to be protected by rent controls, but here are some of the changes he's proposing and we think these are negative changes to the rent control system.

First of all, he's getting rid of the rent registry. Tenants will have only one year after proclamation to discover if their rent is illegal. After that, it's too bad for that tenant. And by the way, landlords have six years to go after a tenant for arrears of rent.

Now here's a situation. Let's say you live in your unit, you thought it was legal, you don't check with the rent registry. A year goes by or a couple of years go by, you're still paying an illegal rent, you run into difficulties. You lose your job, you go into arrears of rent. Your landlord can go after you for arrears of rent for a rent that was illegal in the first place, and that's the balanced and fair legislation we are dealing with here today.

Another issue: While landlords may go to rent review when the cost of utilities goes up, tenants may no longer apply for a decrease when the costs go down. Again, there's a level playing field that I see is missing in the bill that Mr Leach refers to in his comments.

The third point: The bill permits landlords and tenants to agree to a rent increase 4% above the guideline without any review by a rent tribunal. Now this would happen if the landlord or tenant apparently want to have renovations or extra services added to the unit, but the opportunity for pressure and coercion is boundless. This provision in and of itself essentially weakens the whole principle of rent control or rent review, a single guideline increase above which government approval must be obtained.

We urge you, Mr Leach, to take that away or at least change it so that as under the current scheme, if a

landlord and tenant are amicable and agree to changes, it would be subject to review so the number crunchers can see if the increase is fair.

The fourth point I will make is that landlords who do capital work on their buildings can raise the rent 4% above the guideline. That's up 1% from the 3% cap. I'll go further than Mr Marchese did when he discussed this. These annual increases are no longer limited to a three-year phase-in. They can go on forever, depending on the costs of the repair, and the costs will not be taken out of the rent when the repairs are paid for. So those are just some of the changes that we're concerned about, that we believe will destroy the pillar of affordability.

Ms Barbara Hurd: I want to talk about the next pillar of tenant protection, which is the quality of housing. Tenants cannot be said to be adequately housed if their home is substandard or unsafe. The tenant rejection act takes away many of the tools necessary to ensure rental housing stock is properly maintained.

Under the current law, landlords who are in violation of municipal work orders are not allowed to raise their rents until they fix up their buildings. These orders prohibiting rent increase, also known as OPRIs, are a highly effective tool in obtaining compliance with property standards bylaws across the province.

Tenants like OPRIs because OPRIs are automatic and do not require tenant initiative. Instead of losing a day's pay and flooding the courts with disrepair applications, tenants can wait for the freeze on rent increases to come into effect. Unfortunately, this government has planned to abolish OPRIs, even though OPRIs work and the government professes the desire to maintain the quality of Ontario's rental housing stock.

Under current law, if tenants apply to rent control for a rent decrease due to disrepair, the rent officer will ascertain if other tenants are affected by the disrepair and add them as parties to the application where it is appropriate. This means that a landlord who does not maintain his building may face an across-board rent decrease, even though only a few tenants have acted to enforce their rights. Knowing this, most landlords move swiftly to make the necessary repairs and preserve their rents. This is another very useful tool to maintain rental housing.

The tenant rejection act removes this provision. Under the new law, only those tenants who apply for a rent reduction will benefit. Most tenants are fearful to take action against their landlord and few understand how to deal with legal matters. So the effectiveness of tenants' disrepair applications is diminished.

This government claims to care about maintaining and improving the quality of Ontario's rental stock, yet is removing two useful ways to meet that goal. Additionally, the government has failed to establish a minimum maintenance standard for the province. It has only established a standard for areas with no property standards bylaws.

This isn't good enough. A single minimum standard should be established with municipalities given the option to adopt even higher standards. Similarly, the provincial government should ensure that all tenants in Ontario are protected from losing vital services instead of relying on each municipality to pass a vital services bylaw. These

are initiatives the government must take to preserve the pillar of quality. Otherwise, this pillar and much of Ontario's rental housing stock will crumble away.

The third pillar of tenant protection is security of tenure. Tenants must have a right to stay in their homes unless they are given good cause for eviction. They should not have to risk their homes in order to secure their rights and they should not be evicted without an opportunity to have their defence heard. The tenant rejection act takes away much of the security currently offered by the Landlord and Tenant Act and the Rental Housing Protection Act. Tenants can lose their homes if their landlord wishes to convert to non-residential use or demolish the building. No longer is municipal approval required.

Landlords no longer are required to give particulars on notices of termination. If tenants don't know what they are accused of, it is difficult to defend themselves. The tenant rejection act requires tenants to file their disputes in writing and gives them insufficient time to do so. People who cannot read and write and people whose first language is not English are especially prejudiced by this new requirement, but all tenants are affected by the insufficient time given to file a dispute.

Seniors and people with disabilities who live in care homes face a new threat to their security of tenure. Their landlord may apply to have them evicted and victimized, which the government calls "transferred," if their health changes and the landlord doesn't want to rent to them any longer. CSTR believes this new ground of eviction violates both the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. Essentially it says that people who live in care homes should have fewer rights than people with the same medical condition who live in other accommodation. This is discrimination at its most odious and it leaves Ontario's most vulnerable tenants out on a limb.

But those who live in other rental accommodation should not be too smug. Landlords now have a financial incentive to get rid of seniors and others living in those rent-controlled apartments, even if the buildings have been well-maintained and are located in a desirable area. Once the long-term tenants are gone, the rents can be jacked up as high as the market will bear.

The government says we shouldn't worry because they have introduced stiff anti-harassment measures, but this misses the point. The reason anti-harassment measures are needed is precisely because the government, through vacancy decontrol, has created such an incentive for harassment. Harassment takes many forms and not all are covered by this law. How would you feel if you were asked to move your furniture three feet away from the wall for a monthly inspection? Or if your landlord moved a group of partyers into the apartment next door and you were kept awake all night? Even if landlords harass in more obvious ways, there is no guarantee that these anti-harassment measures will be enforced. The ministry has only three enforcement officers for the province.

1150

Ms Mahoney: The fourth pillar of tenant protection is the adequate supply of housing. If no rental housing is available the other rights are empty. This government

says this bill will encourage rental housing construction and believes that getting rid of rent controls will help in this process. But developers and other housing experts say this is not the answer, and they said so last summer in front of the committee hearings. I would refer the minister back to some of the comments there.

Common sense also will tell you that allowing landlords of existing housing — and the minister referred to 80% of buildings having just a small number of units. Those landlords are not developers and construction experts. They're not going to go out and build more housing; they're just going to reap the benefits of the abolition of rent controls.

If the government really wants more housing on the market it should work with those non-profit developers who have a proven track record of housing starts, especially if you want affordable rental housing. Instead, the government has cancelled many of the housing programs and is now moving to repeal the Rental Housing Protection Act.

We are glad the minister has provided some security of tenure for condo residents who are now tenants. We think that's good, but we'd like to see other protections built in for tenants in housing. We believe essentially you should have security of tenure unless you've done something wrong or you can't afford the place. We are worried there's going to be not only a net decrease in affordable rental accommodation but also in rental accommodation of any type.

As bulldozers remove this last pillar of tenant protection, we remind the committee that even if tenant protection were saved, it would mean very little to Ontario tenants if it weren't accessible to them. Just as the four pillars support the shelter of tenant protection, so the door of equal right to housing ensures that all have access.

We're concerned about a provision in the tenant rejection act that would amend the Ontario Human Rights Code to potentially allow landlords to perform income checks on tenants so that if tenants didn't have a certain level of income, perhaps that landlord would be able to reject them. Currently there is a case in front of the Ontario Human Rights Commission's board of inquiry on this very point, and we believe this amendment is preempting the results of that board of inquiry. Not surprisingly, the chief commissioner, Keith Norton, has expressed concerns about this and we share those concerns.

Who benefits from Bill 96? The list is quite small. Slum landlords who have been prevented from raising rents until they fix up their buildings will benefit. Once this becomes law they can issue notices of rent increase and catch up, and all the rent freezes will be cancelled. Bigoted landlords who don't want to rent to people of colour or families with children or welfare recipients will be able to use vacancy decontrols and income checks to get around the Human Rights Code. When they negotiate the rent with someone whose colour they don't like, they will be able to just negotiate at a higher rent than they would if it was someone they did like. We don't see any public benefit from this provision.

Who loses with the tenant rejection act? The list is long and here are some of the victims. Battered women and their families are left out in the cold. Women already

have a very difficult choice to make when they leave their abuser and take their families and go off to a life of poverty and uncertainty and a life where their family structure has been destroyed. They often go to shelters, and then they have to find a place to live and start their lives again. Because of vacancy decontrols they will be entering a housing market not freely, where they can negotiate from a position of strength, but from a position of petition, where they are just begging to get accommodation. These people's lives will be made much worse because of the Tenant Protection Act.

The Chair: Ms Mahoney, you've got about a minute.

Ms Mahoney: I believe we have until noon.

The Chair: Yes, you do.

Ms Mahoney: I see three minutes on the clock.

The Chair: You're on page 11 and I notice you've got 16 pages.

Ms Mahoney: Do you want to mention any of the others or do you want to go straight to the summary?

Ms Hurd: Young people are especially vulnerable to the effects of vacancy decontrol. They'll be hit with high rents because they're coming newly into the market. They have problems getting work. If they try to become students and participate in higher learning, they've also been hit with higher tuition fees and also a poor job market. Every apartment they look at will be potentially decontrolled.

The other victims you will find affected by this are refugees arriving. They're looking for new accommodation. They are also often on limited incomes. Anybody who is a visible minority, people on social assistance, may find themselves staring at rents that are completely outside their budgets.

We will go straight to the summary.

Ms Mahoney: Any person or family of limited means, essentially, who must rent to keep a roof over their head will suffer from almost everything in this legislation.

The body of law built up over the past 25 years is being systematically unravelled by the large and small changes in this bill, and we're very concerned about that. These laws were enacted in the past because of the evidence that tenants needed government protection, and that point has to be emphasized. It's because of the past track record of many landlords in the province that we needed tenant protection in the first place. That's why tenant laws have always been written as remedial legislation, not to offer incentives to developers but to protect tenants, until now.

Ms Hurd: There is no up side to this legislation. The landlord and development lobbies and housing experts all agree that this will not create new housing; it will just create more expensive housing. While landlords decry this legislation as pro-tenant, theirs are crocodile tears and not to be trusted.

This government has betrayed the tenants of Ontario. It did not promise to do this in the election. In fact many candidates promised that rent controls would be maintained. I guess they'll have to swallow their words and fall lockstep into the Mike Harris war against the poor.

We told you during the hearings last year of our fears if this law was enacted, and so did dozens of other tenant groups and social organizations across Ontario. You

didn't listen to us, the people who will be affected by this law, many of whose lives will be ruined by the loss of our homes and by the draining of resources that should be devoted to proper food, clothing, education and community life.

While we're still prepared to listen, to discuss positive proposals and to make positive proposals, and we're willing to work with the government, we're very concerned and unhappy. We're going to be having press events coming up in the future that will demonstrate some of the needs for increased tenant protection, not less.

Minister, I think your government listened to wealthy landlords and developers who seek to get wealthier at our expense. You're the agent of this well-heeled special-interest group, against the need for housing security, safety and affordability of Ontario's 3.3 million tenants. It is a shame and indeed should be considered a crime that this government believes in and enacts laws to reward private greed over the public good.

The Chair: Thank you very much, Ms Mahoney and Ms Hurd. There is no time for questions.

Mr Marchese: Mr Chair, I really believe this is an important bill that affects 3.3 million people and we really should be in room 151, where these proceedings are televised, including areas of public health, where this morning we were boiling in here. That room is a little more air-conditioned. For both reasons, we should be in that room. Is there any reason why we're not there?

The Chair: I'll undertake to review that with the Clerk's office. This meeting is recessed until 3:30.

The committee recessed from 1158 to 1531.

The Chair: We're continuing with Bill 96. We're into delegations this afternoon.

I wish to advise the members of the committee that as a result of the request made by Mr Marchese this morning, room 151 will be available as of next Thursday. We will be sitting in 151 next Thursday.

ONTARIO ADVOCACY COALITION

The Chair: The first delegation this afternoon is the Ontario Advocacy Coalition. I have one name, Patti Bregman. Welcome to the committee. Perhaps you could identify yourself and commence your presentation.

Ms Patti Bregman: My name is Patti Bregman. I'm a lawyer at ARCH and I'm acting here as counsel for the Ontario Advocacy Coalition.

Ms Linda Davis-Bonar: My name is Linda Davis-Bonar. I am a member of the Ontario Advocacy Coalition. I also am a person with a disability and a person who is greatly affected by these issues.

Ms Bregman: We appreciate the opportunity to appear this afternoon. We think there are provisions in this legislation which perhaps unintentionally will really destroy the lives of some people with disabilities by making them more vulnerable than they already are. We don't think you did this intentionally, and we are using this afternoon as an opportunity to talk to you primarily about the care home provisions so we can help you to understand why we're so concerned about these provisions and ask you to meet with us to look at how they can be changed, if at all.

Given the time limitations, we won't deal with the broader issues, but I want to point out that with respect to rent control and the elimination of rent control for new housing, this has the potential to have a very significant and disproportionate impact on people with disabilities. There is such a short supply of residential housing that's accessible right now that most people with disabilities look to new housing to move into. This means they have fewer opportunities to move into housing that already exists and therefore in future are likely to have fewer opportunities to have truly affordable and rent-controlled housing.

Having said that, we want to talk about three major parts of the bill. Although I'm a lawyer, I'm not going to stress the legality. What we want to do is be somewhat practical and take you through why we think the provisions as they are drafted aren't going to work. We'll talk about the right of the landlord to evict if service needs exceed or are less than those provided, the tribunal and care home issues, and remedies available for harassment, coercion and eviction.

We also want to give you the human side, and we thought we'd start by giving you two brief examples of what happened in the past and why we ended up with legislation to protect rights.

I'm going to start, with the request of the family, to tell you about a client of ours who unfortunately passed away. This family wanted to be here and couldn't today. He's exactly the person who will be affected. He had severe cerebral palsy. He was living in a supportive housing environment outside Toronto and had lived there for 22 years. He was 35, interacting with the community. He required speech augmentation. He couldn't speak, so he needed people around him who knew how to speak.

He became ill and had to go to the hospital, and all of a sudden they decided he couldn't come back. What really seemed to precipitate it was that the family was expressing some concerns over things that had happened at this care home. After four months, they contacted us to try and get him back in and we started negotiating.

In the meantime, he was into Riverdale, an institutional setting where there is nobody around him who can communicate with him. There is constant changing of nurses, constant changing of staff. They don't understand how to communicate with Bliss boards. The attendants who took care of him at this other place were forbidden from coming to visit him by the staff and by the director. They sent their doctor in to examine him without consent.

Riverdale did their own evaluation. They said: "He's fine; he can go back. His level of need has not changed." They evaluated him according to the standards of the care home. The care home said: "No, we won't take him back. That's the end of it." So after 22 years they basically sentenced this person to living in an environment where he could not communicate, and he died. He died of aspiration. Who knows what would have happened if he could have gone home? That's what these care home provisions are going to allow you to do.

I think for the sake of people like this and for their families — because the end result of this story is that the families of the other people living there who are concerned about their care are now afraid to say anything

because they saw what happened when families started raising their voices. We think this is entirely possible and all too often will happen.

I want Linda just to talk a bit about her own situation and explain to you a little bit how it will affect her and her friends.

Ms Davis-Bonar: I'm new to the disabled community. I never classified myself as disabled until I was labelled maybe six years ago. The reason I came to be in this particular situation is because I was under a great deal of stress and pressure after having another child and my marriage being affected. Everything started to show itself and I finally had the diagnosis of multiple sclerosis, and after that with my last son having a diagnosis of cerebral palsy as well. This escalated, with the marriage breaking down, and then I was assaulted by my husband. So I was forced to leave my home and find something that was accessible for myself and for my children.

What I found was actually very good and I would like to keep it. We're trying to stop the government from trying to overthrow right now the rent-geared-to-income controlled kind of apartment that we are in. I will be greatly affected if you take this away from us.

The other thing is that with my kind of disease, I could possibly get worse, and because of that, what's going to happen to my children? And where am I going to go? Will I be institutionalized and will my children have to go into children's aid, things like that, or in to some kind of care facility? Then once I'm taken out of my apartment, how will I get back into the system? It's something we don't think we're going to be affected by until we are, and then all of a sudden it's happening to me as well. It's real life, unfortunately, and I really wish I weren't here speaking like this.

I haven't too much more to say except that I know many others who are in my situation, who are living in places as well, and they are very much dependent upon rent control. If we are not given that privilege and that right, it's going to be a much more costly factor, both financially and emotionally. It's going to be the devastation of a lot of us. Back to you, Patti.

1540

Ms Bregman: I want to talk a little bit about this right to evict based on care needs, and I know there are some providers who said you have to have this. After the Residents' Rights Act passed two years ago, I did a lot of speaking around the province to a number of provider groups and disability groups. What was really clear, and it came not just from me but from the providers, was that the good providers didn't need this. Yes, there are times when there are care needs that can't be met, but the reality is that good providers found ways around that. They negotiated, they mediated, we assisted in some; it worked.

Our concern is that by suddenly changing once again and moving from a system where care and housing are recognized as separate, we are again going to give the hammer to the bad landlords. I'm not worried about the good ones, because good landlords will tell you they won't use this, that they would find it offensive, that it goes against their philosophy. We worry about are landlords who aren't good ones. Why give them any more

help? We already have enough problems in trying to deal with them.

When we moved to care homes being included it was because of a recognition that your home is your home. Because you have a disability, that doesn't make it any less necessary to live somewhere. The idea was aging in place and move ahead.

I want to take you through, though, the reality of what will happen. Even if you're not convinced that in theory it's not good, think about what it would be like if, let's say, Linda's landlord says: "Sorry, MS is degenerative. We can't provide your service any more." It may be true and it may not be true. We saw that was the excuse used a lot previously as a way of getting rid of difficult people.

What's the first thing? She'll need an expert assessment. The housing provider will need an expert assessment. The tribunal has no expertise; they'll need their own. Right there you're talking about \$6,000 in experts alone. Often the tenant is the one who has to pay. You'll need legal counsel because tenants who are particularly vulnerable, and many will have speech disorders, can't represent themselves. We need legal aid. We need lawyers. That increases the cost.

What evidence can they consider? In many of these settings it's shared block funding. The ministry doesn't fund places by saying, "This person gets X; this person gets Y." They say, "This project serving 10 people gets this amount." This legislation lets them off the hook from having to operate efficiently because what they can do to get rid of people is say: "I'm going to give an extra amount to this person. I'll give this person 10 hours, this person three." That would mean, to adequately represent somebody at a tribunal, I would want to call the evidence as to what every other person in that place is receiving to see if in fact they're receiving the same amount. On the other hand, is it fair to jeopardize their services by saying that somehow they shouldn't be getting that? Again you've got a procedural problem of the tribunal not being able to deal with it.

What about the proposed alternative that was built in? Can the tenant be forced into that? Right now there's a three- to five-year waiting list for alternative supportive housing in the city of Toronto. That's not going to improve. The only alternative may be unregulated care homes, where abuse has occurred, and we're getting a lot of calls these days. Can the tenant be forced to take it, and is the option that you take it or you're out on the street? What options does the tribunal have?

If that's not the option, if there's nothing out there, can the tribunal order the government to provide support services if there are none in the community? Otherwise you've got a tribunal that says that yes, they need more care, but no, there's nowhere for them to go. Where does that get us?

We're setting up a tribunal to deal with issues that actually need to be dealt with in the long-term-care system. These are not issues of housing. These are issues of adequacy of funding, adequacy of services. You're going to end up having this parallel system which jeopardizes tenants. You're doing nothing that will protect the tenants.

What you're really doing is letting bad landlords off the hook. They're not going to come to you for more money, they're not going to come to people for more money, but basically you're not going to help either good landlords or tenants by doing this. If for no other reason alone, the logistics of how this tribunal can work — it was pretty clear when I went through it that it can't work. It's an unworkable, untenable situation.

I want to conclude this part by talking about two other small sections where I think you can make some improvements, because I don't think you took care homes into account, and that's penalties and compensation. We're pleased that penalties will be increased for landlords who coerce and harass and that there will be compensation for tenants forced to move, but if you are a tenant with a disability, you can't move if there is no other alternative housing or if there is no alternative support service.

Our recommendation is that you need to take that into account and allow the tribunal to order the care provider either to provide the services by giving the funding directly to the tenant to purchase their own or to provide the services in whatever appropriate alternative setting is available. That's the only way this remedy will have any effect for people with disabilities who are living in care homes. I don't see any reason why the landlord shouldn't have to take that responsibility on if this is really intended to do that.

Finally, you need to make sure it's clear that the coercion and harassment relates to delivery of service as well as to housing. We are getting increasing phone calls about people who are left with urinals on their bed, who are left with no call buttons, who are left in washrooms as a way of punishment for asking for more. I wish I could say it's not real, and I wish I could say it's not out there, but it is; it has been documented. We need to ensure landlords can't use that type of coercion as another way of getting people to move.

The Chair: Thank you, Ms Bregman. I believe each caucus has about two minutes.

Mr Duncan: Thank you for your presentation and the manner in which it has been given. I take it that by not dealing with the types of amendments you've proposed, we're taking a step back from what Professor Lightman had recommended a couple of years ago and that the consequences are graver for people with special needs than they are for anyone else.

Ms Bregman: Let me give you an example. This is something that really shocked everybody. Those of you who were in the Legislature during the last government may remember we had a case in Windsor, exactly this issue. It was prior to the Residents' Rights Act. Too much care needed, because the person kept asking for things. We represented them and challenged the exemption of care homes under the Landlord and Tenant Act and were successful in getting an injunction. Then the residents' rights bill was brought in.

When that legislation came in, the landlord/care provider said: "Oh, we couldn't possibly operate that way. We're not going to provide the service any more." It was fine with everybody involved; there was another service provider. Lo and behold, when it came time to

transfer it and the money, the service provider said, "No, we want it back." When the government said, "You can't have it back, because you acted irresponsibly. You didn't want it; we've contracted," they then turned around and refused to let the new provider in. We went back to court. The government came in and they passed an order in council taking this place over. It was the first time the government had ever done that.

Was that enough for this provider, a well-respected provider out of town? No. The sheriff had to be called to change the locks so that the care providers could go in, where emergency services were provided. This is real; this is documented.

That's exactly why the Residents' Rights Act was put into place. It made a difference. Tenants refused to meet with us publicly before that legislation was in place. They were afraid if they were seen with lawyers they'd be evicted. You're right.

Mr Marchese: Thank you for coming again. We see you often. We heard you and many others when we tried to save the Advocacy Commission. It didn't have much of an effect on this government. These people across the way don't like advocacy in general. They don't like advocates.

Mr Tom Froese (St Catharines-Brock): That's not true. That's not true at all.

Mr Marchese: So I'm afraid they might dismiss you as just being yet another interest group; I don't know.

Ms Bregman: I prefer to be optimistic.

Mr Marchese: I hope you are, and I hope you continue to be that way.

They've gotten rid of the funding for most of the advocates who deal with tenants, as you probably know. Then you hear my friends saying that what I'm saying is not true.

Mr Froese: Just be fair over there.

The Chair: Order.

Mr Marchese: Ms Bregman, I just wanted to leave you whatever time was remaining to add whatever comments you have that you want to make.

1550

Ms Bregman: What we're really asking for is an opportunity to go back to being part of the process. This is unworkable, regardless of whether you agree with it or not. We were not involved with the drafting. We were not consulted as they were developing this. We had one meeting after the previous set of hearings and we tried to explain what the issues are.

We have a provincial liaison group made up of providers and people with disabilities that advises the long-term care division. We need to sit down with long-term care, housing, service providers and tenants and look at what the real issue is.

I find it, to be honest, somewhat patronizing. I don't think this was the intention, but if you think about it, the argument we keep hearing is, "What about the person with Alzheimer's who doesn't know they should move to an institution?" That was the justification given. I can understand that. The problem I have is that, first, this goes way beyond that. Second, we have in place in this province a series of legislation, some passed by your government — the Substitute Decisions Act, the Health

Care Consent Act — so that if somebody is incapable of making the decision, there is a legislative framework in place to deal with that. Most people with disabilities, however, aren't different from anybody else. They don't want to live in unsafe conditions. This legislation assumes that unless you push them out the door, they won't go. I don't think that's the case.

We find two things. One is that people say: "I really like living in the community. This is the service provider. It doesn't have enough money." They may not have enough money, but should that problem be put on the backs of the tenants? That's what's happening: Not enough money to provide service? You move. The other thing is simply that there isn't anywhere to go. Neither of those problems is going to be resolved by this. You'll find that evictions can't happen because there isn't the service out there, there's nowhere to go; or if they do happen, there may be some pretty dire consequences. I don't think any of us wants that. We need to think of ways to deal with it.

Mr Gilchrist: I appreciate your coming before us here this afternoon and adding this perspective. I must admit, as Mr Froese interjected, it becomes quite tiresome when members of the third party suggest they have a monopoly on compassion when members of our own caucus face challenges like this in their own families. I think he might reserve those comments to himself.

I'm troubled by your perspective on this — I say this quite sincerely — and perhaps you can help us with the wording, because as I read subsection 93(1), I get a very different sense of how strongly protected people in this situation are from any kind of frivolous attempt by a landlord to displace them. If I can just read it to you, I'll forget the preamble about the less care or greater care than the landlord can provide:

"(2) The tribunal may issue an order under clause (1)(b) only if it is satisfied that,

"(a) appropriate alternate accommodation is available for the tenant; and

"(b) the level of care that the landlord is able to provide when combined with the community-based services provided to the tenant in the care home cannot meet the tenant's care needs."

If there is no alternative housing and only if home care or the landlord's ability to care is inadequate where they are today would there be the ability, never mind the willingness, to move someone in this situation.

We all have to have faith, whether it's the Ontario Municipal Board or the new tribunal we set up here, that these will be honest, honourable, responsible people who will do what is before them. But the alternative is the suggestion that if you don't meet those tests, we actually leave people in situations where they can't be cared for.

If it's the wording, we have a number of weeks before this bill will come back to the Legislature, obviously when we break for the summer, and I would ask you to send in a proposal to us of how you think the wording could be changed to make sure the kind of contingency that you suggest as a worst-case scenario can be prevented absolutely.

Ms Bregman: It's not just the wording; I agree with you. That's why I said that I don't think this was inten-

tional, I don't think people went out in bad faith and wanted it. But I think the reality of the situation is, what do you do when there isn't alternative housing and services aren't provided? Then you're put in the position where things aren't any different.

Our concern is that given that the tribunal cannot rectify the fundamental problem — the real problem is services. In other words, this is only going to happen when the landlord doesn't have the money to provide the service and there's no funding in the community for the service. Whether or not the person is evicted isn't going to change the availability of the money and the service, but what it does is that unfortunately there is a small but vociferous number of bad landlords that will use this and hang it over the heads of people and make them afraid to complain about bad situations.

This is such a tenuous type of thing. As I said, the evidentiary issues are what concern me. How do you prove that the services are not adequate? In the cases we see, it's almost impossible to think of how you're going to get that kind of evidence.

I'd be glad to talk to the ministry and to long-term care. I think it would be useful to sit down, because they have legislation dealing with this as well, in terms of rights to cut services. I think we need a comprehensive solution that really looks at the fundamental issue, which is ensuring that people have the services, that we make them available and that people are receiving what they need.

The Chair: Thank you, Ms Bregman. Unfortunately we've run out of time. We appreciate both you and Ms Davis-Bonar coming and making your presentation this afternoon.

SHEILA JACOBSON

The Chair: The next delegation, which is 35 Walmer Road Tenants Association, has been cancelled and it's being replaced by Sheila Jacobson. Welcome to the committee.

Mrs Sheila Jacobson: I understand I have 15 minutes to speak. I'm going to put on a timer. Is that necessary?

The Chair: Sure, you put on a timer. I need all the help I can get.

Mrs Jacobson: My name is Sheila Jacobson. Good afternoon, Mr Chair, members of the committee and staff. I'm here to speak today about maximum rent. The present legislation as well as the old Rent Control Act were very much one-sided in that they gave a window of opportunity to bad landlords to economically evict tenants they didn't want, even though the tenant may not have done anything wrong. There is a very live case in my personal life.

My husband and I live in Brampton, in what is supposed to be a luxury apartment building. My husband was transferred 14 years ago; we're ex-Montrealers. At that time in Ontario there was a serious housing crisis, so we took whatever we could get. We found this apartment building that was in the middle of construction by Bramalea Ltd, which then continued to manage that building. They were a very ethical and fair management company.

Unfortunately, upon their demise, or just before that, another management company was brought in — very

unethical, almost bordering on the unconscionable. I happen to be an accountant, as is my husband. We are a childless couple. We're in our mid-40s. We're a quiet, law-abiding couple. We don't have parties, we pay our rent on time, but we also happen to know the law, not only because we're accountants and we try to stay on top of various legislation that affects our personal lives, but I worked in the property management industry as an accountant. I was in and out of it for 14 years, so I remember back in the 1980s, when the Liberal government brought in the concept of maximum rent, I spent hundred-hour weeks putting together market rent versus maximum rent and all the numerical juggling we had to do with all our portfolios.

I'm no longer in that industry, but I still have friends who are, and I've seen a trend. What has happened is that the ethical property management companies have gone out of the marketplace. Cadillac Fairview was the first one; Bramalea Ltd was next. A number of very good, reputable companies are gone. What has come in their place are what we in the industry traditionally considered as the lower rung. The bottom layer of the industry has now managed to penetrate better properties, like the one we're living in.

This particular property management company sends out illegal memos trying to collect \$10 for things like filters, late payment of rent and on and on. We don't pay our rent late; we make sure our rent is paid on the first of the month. That's just the way we budget our life. But there are people who are less fortunate than us, who perhaps don't have the same financial security we have, who sometimes are late. What this management company does is demand the \$10 in cash only, does not give receipts and the money just disappears; there's no record of it.

I pointed out the illegality of this to the management company. Now they are out to get me out. They can't find anything I've done wrong. As I said, we're a quiet, intellectual couple. We don't have wild parties. We're childless; they can't even accuse us of having kids who go around vandalizing the property or whatever. But I am a problem to this management company: I know the law. I will not let them cheat me.

The only window of opportunity they have is to suddenly bump my rent up to the maximum rent allowed. We are paying \$984 a month for a small one-bedroom apartment out in Brampton. I know by Ontario standards one would ask, "Why in God's name would this young couple want to spend that much money on a one-bedroom?" But you have to keep in mind we're ex-Montrealers; we're not sure we're even going to remain in Ontario beyond perhaps another 10 years. Actually, we expected my husband to be transferred to the US, but we're still here and we like that lifestyle.

I don't want to be in a condo; I don't want to have meetings and condo boards and I don't want to pay \$500 in condo maintenance fees and so on. I like the lock-and-go lifestyle where somebody else just takes care of everything for me. That's just the way we like it; and there are numerous other families in our building.

The concept of maximum rent and how this opens the door to unfair economic eviction: We're paying \$984 a month for the one-bedroom apartment. The maximum

rent for my apartment is close to \$1,500. The landlord has the right to ask us for the \$1,500. I don't have any objection to that. I believe in capitalism. I apologize to those who perhaps do not share that philosophy; I believe people have a right to make a return on their investment. I will support any group that says people deserve to get a return on their hard work and investment.

1600

The legislation should be balanced in that, fine, the landlord can bump it up to \$1,500 and push me out — because I will refuse to pay \$1,500 for an apartment when right now the landlord is unable to get even \$800 for a one-bedroom in that building. There's a recording in the management office saying, "A one-bedroom apartment is \$800." I'm paying \$984. My rent has gone up \$84 a month just in the last two years, and we haven't complained because so far we've been able to stretch and make do and manage to pay this.

What they're hoping to do is bump my rent up to the \$1,500 and push me out. The new legislation allows the landlord, once the long-term tenant is out, to then suddenly gauge that rent to market, which could be either the \$984 that I'm paying or less, such as the \$800 they're advertising both on their taped message for the office and in the ads in the newspaper.

What I'm suggesting to the committee is, let's be fair. You have to be fair to the landlords in that they have made a tremendous investment in wanting this maximum rent. They've worked very hard. I was there. I calculated those maximum rents. I know what I'm talking about. They put in asset improvements; they made capital improvements. But you've also got to protect the tenant.

What I'm proposing is, should the landlord bump the rent up to the \$1,500, that rent is frozen after the long-term tenant moves out, and any other tenant who comes in has to pay that \$1,500, for ever and ever, amen. What I'm afraid is my landlord could bump my rent up to \$1,500, I'm out of there. Then they bring in somebody who's going to keep their mouth shut and allow themselves to be cheated by the landlord, and they'll pay only \$800 or \$1,200, which I can well afford.

I don't want to see a lopsided type of legislation which allows the landlord — who is unscrupulous, by the way. This particular management company has a long history of cheating tenants, and I've got this on authority from the lawyer who works at the Brampton legal aid clinic. The minute she heard the name of this particular property management company, she said to me, "They have a long history of cheating non-white tenants who are either new Canadians or immigrants and who don't know the law." What this company is doing is trying to weed out people like myself: educated, middle-class, who know better and who will give them a fight.

At the same time, I don't want to be put in the situation where my landlord plays this trick with me and I end up spending thousands of dollars in legal fees trying to create case law which will then provide the protection that I'm asking you to provide right up front. Before this legislation becomes law, just put it in there. It won't cost us anything and we know tenants won't be sacrificed in order for us to recreate the wheel and learn the lessons that are so obvious.

I'm asking that you balance this legislation, that if the landlord does take the opportunity of bumping the rent up to maximum rent, which they are allowed, you also force the landlord to freeze the rent of that particular unit to the maximum rent and hold the landlord to that, so that if I'm gone and I find out they dropped the rent in order to get a new tenant — because they will never get \$1,500 for my unit — I should be able to sue the landlord for my moving costs. My husband has run in local municipal elections in Brampton at that address, so that address is very important to us, which is why we've been there 14 years.

I'm asking that you make the legislation balanced. So far, it is fair to the landlord only historically, because they've put in the investment to get this maximum rent; they went through blood, sweat and tears. But we have to make it fair to the tenant and we should not allow the landlord to economically evict people such as my husband and myself. We've never done anything wrong; we've played by the rules all our lives. I worked hard, I educated myself. Why? Because I would hopefully not be subjected to unscrupulous people.

Unfortunately, I find they've come through the so-called glass ceiling in society and now they're up where we are, trying to cheat us the way they cheat so many unfortunate newcomers to this country, and I will not stand for it. I'm fighting back and I'm asking that you recognize this, shall we say, flaw in the legislation. This flaw has been there with the Rent Control Act from the very beginning, and I know there are cases, but what has happened is the evicted tenant ends up suing the landlord and it's just a really messy business. They usually end up settling out of court and it's not right. So I'm asking that you recognize this flaw, that it will just cause unnecessary pain and suffering to tenants and give the unscrupulous landlords the opportunity to cheat people, even more to bully people and so on.

Therefore, I ask that you force the landlord to freeze that maximum rent. If they take advantage of the maximum rent, freeze it for that unit so that when I'm gone from that unit because the landlord is pushing me out, I can then subpoena the rent records and say, "What are you charging now?" and if I find out that the new tenant after me is paying \$800 or \$1,200, I'll bloody sue that landlord. I'll say, "How dare you get me out after 14 years simply because I wouldn't let this management company cheat me."

I would sue that landlord, but I shouldn't have to take this landlord to court and create case law and provide the protection that is so necessary. It's a glaring flaw in the legislation. I think it's an oversight. I think we have to recognize the fact that landlords and management companies are like the human spectrum. You've got very good ones and you've got very bad ones, and the bad ones are really bad. I mean, they're unscrupulous. They'll go into people's apartments. They'll steal. I used to be in the industry and I know what I'm talking about. I was so disgusted I just got the heck out of it, and I'm out of it now.

I implore you, let's keep a balanced view of how we give landlords their due. Let them have their maximum rent. Make sure that the tenants are protected, that the

landlord will not use that maximum rent as an opportunity to evict tenants that they willy-nilly want to get out.

Mr Marchese: Thank you, Mrs Jacobson, for your presentation. These are the kinds of stories we have often heard. That's why we brought in rent control as an NDP government, and even then we haven't been able to solve all the problems. That's why tenants have said, "You've got to improve that system to make it better for tenants." What they've now done is turn this whole thing upside down. They call this a balanced thing. They call it the tenant protection package.

We've been arguing on our side for the tenants who are listening to our discussions that there's nothing in it for them. In fact they're eliminating so many provisions, such as the rent registry. It has gone. You won't be able to tell what the next person is paying unless you go and investigate it yourself and maybe they'll tell you. But the rent registry was there so you didn't have to fight anybody and you didn't have to play cop to find that information out. They're eliminating that.

Costs no longer borne, meaning once something is purchased for you, once it's paid off, it's simply reduced from your rent: The developers and the landlords — I'm sure we'll hear from one of them behind you — of course like this. Once the elimination of the costs no longer borne is out of the way, whatever they buy just gets added on and on. I know the fellow behind you smiles at this, but this is hurtful to you as a tenant.

Orders prohibiting rent increases: We put that in place because when we knew there was an order against a person, the rents were frozen. These people have eliminated that. There's nothing in here for tenants.

Your case is a sad one. I'm not sure how we deal with that. I'm not sure this government is interested in dealing with that. We'll hear from the questions that come forward. But they're picking on you, quite clearly, to get you out —

The Chair: Thank you, Mr Marchese. You're out of time.

Mr Gilchrist: Thank you, Mrs Jacobson, for your presentation and your comments. In what might be your first exposure to how business sometimes gets done in here, you'll note that Mr Marchese didn't deal with your question, which was maximum rent. I'm pleased to say this bill eliminates that concept.

Mrs Jacobson: But it eliminates it over a period of time and it doesn't help people like myself where there's a —

1610

Mr Gilchrist: No, sorry, the concept of maximum rent is eliminated and the ability for a landlord to play the kind of games that you're suggesting may happen to you will not be there. This mechanism has existed since 1985. In fact the Liberals added it to apartments over \$750 a month only in 1985. Prior to that there was no rent control on units such as the one you have today.

We agree with you that once a rent is established, there should not be an opportunity for somebody to use economic reasons for that. In fact we've gone one step further and have built in anti-harassment penalties that are just staggering. I can't conceive of any responsible landlord getting themselves into that jackpot, because it

will certainly seriously dent their income. But the reality is that once the rent is established, you'd have one year to determine whether the rent you're currently paying is legal. It will be frozen, and from that point on they will only be allowed the increases that in our two years, for example, have been set at 2.8%, the lowest in the history of rent control in 20 years. That will be your long-term protection. It may be too late given the scenario you face today —

Mrs Jacobson: I'm talking about maximum rent. There's a \$500 difference between what I'm paying now and the maximum rent. All I'm saying is that in order to get me out, the landlord does have the legal right, under the Rent Control Act as well as under the new Tenant Protection Act, to bump it up to \$500 just to get me out, and once I'm out of there, it fluctuates.

Mr Gilchrist: No. I'm sorry, Mrs Jacobson, when this act is passed they will not have the right to do that. Your rent is \$984, period. They can add 2.8%, and if they show capital improvements that demonstrate —

Mrs Jacobson: I'm sorry, but I've checked with the ministry.

Mr Gilchrist: The entire concept of maximum rent is gone.

Mr Colle: Perhaps you could explain your concern again. Once they get you out of your apartment, what's going to happen to your rent? Do you want to explain that to Mr Gilchrist?

Mrs Jacobson: Yes. Once they get me out of the apartment by bumping it up to maximum rent, which is \$1,500 — I'm paying \$984 — the landlords can then fluctuate the rent according to market demand and put it at whatever he wants. He can lower it, lessen the \$1,500 he used to get me out; he can drop it to \$1,400, he can drop it to \$1,100, he can drop it to \$800, which is even less than what I am paying, in order to get a tenant. In other words, he can use the \$1,500 to get me out. Once I'm gone, the unit becomes decontrolled. That's the terminology the PCs have used.

Pardon me, my fellow PCs, I'm a member of the PC Party and I'm here today under Dwight Duncan's thing only because I want everybody to play fair here. This is not a partisan thing. We're all affected; we're all Ontarians. I just want you to recognize that once a tenant is out of there, the unit becomes decontrolled. That means the maximum rent then no longer can be applied. It suddenly just bounces back to market availability, market demand, so if there's no demand on the market for my unit, they can keep dropping the rent until they find somebody to take that apartment. They can charge what I was paying, the \$984, or they can charge less than what I was paying, but the thing is they've gotten me out of there, they've gotten this thorn in their saddle out of there, and that's what makes me angry. Yes, give the landlord his \$1,500 maximum rent, but don't disrupt my life. Don't put me at the mercy of an unscrupulous management company.

The Chair: I'm trying to be fair too. I'm the Chairman and we've gone beyond both your bell and my bell. I thank you for coming. We have to proceed with the next deputations.

Mr Marchese: I don't know if there's a civil servant here who works for the ministry.

The Chair: If you want to take up someone's time, Mr Marchese, we've got a problem here.

Mr Marchese: I do want to take up someone's time to correct what I think Mr Gilchrist was saying. Is there a ministry person here? Yes or no?

The Chair: Do you have a question, Mr Marchese?

Mr Marchese: I want to ask a ministry person who had a hand in drafting this whether maximum rent still exists if you stay in your unit. As I understand is the case, as long as you are in your unit, maximum rent is always there. The parliamentary assistant said it is eliminated. Do we have a staff person who can speak to that?

Mr Colle: I think we'd like to get that verified. There's a real —

Mrs Jacobson: That's the point.

Mr Marchese: Is there a civil servant who can speak to this?

Mr Gilchrist: Mrs Jacobson said she was going to be out. In her situation, will she be faced with this in the next unit she moves into? Not if this bill is passed before you move in.

Mr Colle: You said maximum rent is gone.

Mr Gilchrist: As a concept, it is gone.

Mr Colle: No. You said it's —

Mr Gilchrist: I'm saying it again. As a concept —

The Chair: Members of the committee, we're out of control here. We're going to proceed, Mr Marchese. Your question —

Mr Marchese: No, Mr Chair, I'm sorry. I'm asking you. You're the Chair. Usually, when we're dealing with bills, there's a civil servant sitting around there to assist the parliamentary assistant. Do we have such a person here, yes or no?

Mr Gilchrist: We said yes.

Mr Marchese: Where is this person? Why doesn't this person sit there so she can assist you?

Mr Gilchrist: You have a researcher sitting there. If you don't want the researcher to sit there, feel free to tell the researcher to sit somewhere else.

Mr Marchese: The researcher is not the one — Madam, are you a civil servant dealing with these issues or not? You're not.

The Chair: Mr Marchese, I don't want to throw my gavel at you, but we have to proceed. I know you're upset. If you have a question, my suggestion is that there will be an appropriate time for questions. We're going to be into clause by clause.

Mr Marchese: No, that's not good enough.

The Chair: We're here to hear depositions. I'm going to rule you out of order. I'm going to ask the next delegation to come forward, which was supposed to have started —

Mr Marchese: As the Chair of this proceeding, you can do what you like. I'm not going to stop until you deal with this fairly.

The Chair: Mr Marchese, the next delegation was supposed to —

Mr Marchese: Mr Chair, no. I'm going to disrupt you until you deal with my issue. We usually have a civil servant sitting around that area, helping the PA when the

PA might be confused or doesn't have the information. We don't have anybody here. Why not?

The Chair: I'm going to recess the meeting for five minutes.

The committee recessed from 1617 to 1623.

The Chair: We will reconvene. Mr Duncan on a point of order.

Mr Duncan: Yes. I suggest, as is done in other committees, that the opposition, and indeed the government, has the opportunity to place a question through you to the ministry involved and that that question be recorded, as is the policy in most committees I've attended, and that you as Chair ask that the ministry respond by the next sitting day of committee. I think that would go a long way, certainly in terms of the official opposition, to addressing concerns we may have, as long as we can place that question through you at the time.

The Chair: I agree. Mr Marchese?

Mr Marchese: That's fine. Let's move on.

BUILDING AND CONCRETE RESTORATION ASSOCIATION OF ONTARIO

The Chair: The next delegation is the Building and Concrete Restoration Association of Ontario, Mr Murray Gamble. Good afternoon.

Mr Murray Gamble: Mr Chairman, members of the committee, my name is Murray Gamble. I'm president of the Building and Concrete Restoration Association of Ontario. Our association is made up of contractors, material suppliers and engineers specializing in the restoration of building exteriors and parking garages. We welcome this opportunity to present our views on Bill 96, and we hope our comments will be of value to you.

As many of you will recall, we appeared before this committee last August in connection with the Ministry of Municipal Affairs and Housing's discussion paper entitled *New Directions*. At that time, we urged the committee to support the provisions relating to capital expenditures in that paper. We were committed then, as we are now, to preserving the province's rental housing stock and to regenerating the jobs lost in 1990 as a result of the previous government's legislation.

Once again we urge you to support the capital expenditure provisions in Bill 96. They are an absolute necessity to provide tenants with the quality housing they should have, to create jobs and to restore our industry.

The current rent control legislation has been devastating. It prohibits owners from recovering costs for major repairs to building envelopes, balconies and parking garages. First Bill 4 and then the legislation now in place, Bill 121, made it financially impossible to spend the required amounts for such repairs, and they came to a halt. The legislation has had a devastating impact on our sector. Roughly 5,000 jobs in our industry were lost at that time.

Meanwhile, the problems in buildings related to the need to repair building envelopes, balconies and garages have become worse with the passage of time. Currently, buildings and garages are deteriorating. We are concerned about safety. The impact on tenants is substantial. They now live in accommodation that is less and less attractive,

and if this legislation is not changed, apartments may eventually become uninhabitable.

As we noted to this committee last August, we estimate that of the \$10 billion in repairs that studies indicate are required for Ontario's aging apartment stock, about \$1 billion is accounted for by the need to repair building envelopes, garages and balconies.

We believe strongly that the proposal calling for above-guideline increases for capital expenditures is a necessity. The 4% cap carry-forward provisions will go a long way to facilitating much-needed restoration of buildings, because they allow the necessary expenditures that have been delayed or postponed for the last few years to be carried out. The work that will result could help reclaim between 30% to 40% of the jobs lost as a result of the present rent control legislation. Our projections indicate that this proposal could create between 1,500 and 2,000 jobs within one year.

We have always contended that we regard the ability to repair buildings as being in the interests of landlords and tenants alike, given the deterioration of structures and the danger that at some point, the integrity of the buildings may be compromised.

As well, we applaud the general direction taken by the new bill in favour of removing regulations which prevent the market from operating. We believe that the fewer the rules restricting the market in rental housing, the greater the likelihood of restoring the industry to economic health.

Accordingly, we support the new rules which give landlords and tenants the opportunity to negotiate rents. Only through the reflection of actual economic conditions can necessary repairs be carried out, buildings kept in good shape, and the jobs that have disappeared be brought back.

I want to conclude my presentation by expressing our appreciation for having the opportunity to present our views and by urging the committee to move ahead with Bill 96 as quickly as possible.

When we appeared before you last August, we stated that while we recognized that new legislation could not be implemented immediately, we suggested that clear signals be given as soon as possible so that landlords would know that the ability to pay for this much-needed restoration would be permitted. This, we suggested, would allow work to proceed without delay, helping address safety concerns and create the jobs then waiting to be generated. I want to repeat this now.

The provisions relating to capital expenditures are an absolute necessity to restore the quality of rental housing in the province. Everyone should be in favour of them because they benefit everyone: tenants first of all, because they will now have the quality housing they deserve; owners, because the provisions allow them to carry out the projects that have been put on hold for so long; our industry, because some of our lost jobs will be restored; and finally, the entire province should benefit because of the economic benefits that will result.

We repeat our recommendation that clear signals be given now that this bill will be passed. Many owners are still holding back, waiting to see what the Legislature will

do. The rental housing stock of Ontario continues to deteriorate. The components of this bill which deal with capital expenditures will help restore it. We ask that you pass Bill 96 as soon as possible.

1630

Mr Wettlaufer: Mr Gamble, in my riding of Kitchener about three to four months ago, or it may be six months ago, we had an apartment building in which a faulty elevator went all the way from the top floor to the basement with a passenger in it; the passenger died. The landlord was given a work order. The landlord demonstrated, through issuance of his financial statements, that he could not afford to carry out the necessary repairs in the building because he didn't have the money, because the income hadn't been there for the last few years. Do you want to comment on that? Do you see much of that as far as landlords are concerned?

Mr Gamble: My comments would be limited to what I perceive from seeing buildings day in, day out; I obviously don't see landlords' financial statements. But I can definitely say this: In my business, in the restoration end of things, there has definitely been an ongoing deterioration of the apartment stock throughout Ontario. Conditions are worsening, and many of these conditions are related to structural issues such as balconies or parking garages, where you could have pieces of falling concrete and bricks. I would concur that there are safety issues presently out there and that the situation has gotten worse in the last five to seven years.

Mr Wettlaufer: Have you been told by any of the landlords that it's because of their worsening financial picture?

Mr Gamble: Very definitely. What we see is that we are putting proposals together for work that needs to be done and landlords basically say that either they can't do the work or they have to do very small portions of it that really do not address all the problems.

Mr Wettlaufer: Safety is a major feature in this bill. Would you agree with that?

Mr Gamble: Yes, I would agree with that.

Mr Sergio: Mr Gamble, thank you very much for coming down to make a presentation to our committee. Can you please expand on one of your comments? You say, "Only through the reflection of actual economic conditions can necessary repairs be carried out." Are you saying you would be carrying out all those necessary repairs in good times, when the economy is good?

Mr Gamble: No. That refers to the fact that under the current rent control legislation, the actual costs required to be expended on these repairs cannot be recovered. The capital expenditure allowances do not allow the landlord to recoup in some cases the millions of dollars required.

Mr Sergio: What percentage could you recoup?

Mr Gamble: Under the current legislation? I believe there is a 3% above-guideline expenditure. I believe, though, the problem is that 2% of that gets diluted out of the guideline increase, which really doesn't leave a very substantial amount to deal with a major capital expenditure.

Mr Sergio: The 3% is now up to 4%, but if you were to expend more money, isn't there a mechanism through which you can apply and be compensated for those

expenses, let alone the rate you can increase, that is, the 2.8% and the 4% proposed now?

Mr Gamble: I'm not familiar with all the points of the bill. Another problem is that you cannot carry forward capital expenditure allowances in the current bill, which you can under this proposed legislation. That allows you, perhaps not unlike the way condominiums work, to build up a reserve fund to deal with large capital expenditures. I think that's a reasonable analogy.

Mr Sergio: The government is now downloading the responsibility to the local municipalities. The local municipalities, if this becomes law, can come tomorrow and give you an order to comply immediately or give you a fine, regardless of the economic conditions. How do you feel about that?

Mr Gamble: That's a difficult situation. Of course, I'm not a landlord, so I don't have to deal with that.

Mr Sergio: No, but it infringes on your business.

Mr Gamble: It affects our business. All I can say is that I have been involved with particular owners, and these people were not major corporations who had work orders put on their building for various deficiencies. They were in very difficult situations where they were faced with large capital expenditures immediately. They, plain and simple, couldn't generate the revenue out of their property to do it, so they were caught between a rock and hard place. The only thing I can relate is what I'm told by the owners I deal with.

Mr Marchese: Mr Gamble, I know you're not a landlord, but you speak as if you were. If you're not, you speak with authority on this matter. You say in your paper: "The current rent control legislation has been devastating. It prohibits owners from recovering costs for major repairs to exterior façades, balconies and parking garages." You speak as if you know what you're talking about, it appears, or as if you're a landlord.

My question to you is this, and it's not just from my knowledge or whatever I gather on my own, but rather from what many tenant organizations have said, because they live in those buildings: When we did that tour around the province, they said, "What has happened to the money these landlords have been receiving over countless years?" not only in terms of guideline increases now but in the past, when they were able to ask for increases of anywhere from 10% to 110%. What happened to that money? What happened to the money they asked for beyond the guideline increase for capital repairs, which was 3%? They could ask for it if there was a major problem with their building, and presumably they did. If that money was used, why would these buildings be in such a state of disrepair, do you think?

Mr Gamble: I can comment on my particular area of expertise. In a lot of cases, deterioration, particularly in parking garages where it's chloride-induced deterioration, is of a rather insidious nature. It's deterioration that is not necessarily readily seen or readily perceived. However, it can mean major, major dollars. From my experience, the major problems have been that when these projects come up, a lot of money is needed in a very short time.

Mr Marchese: I understand. Why wouldn't you as the landlord, if you were one, put money aside for that eventuality? Not all the money gets used for repairs, so

I have to assume that some of that money should be used for the kind of eventuality you spoke of. Do you think they do that?

Mr Gamble: I can't speak for landlords, but I can speak for my own business. If I couldn't charge an appropriate amount of money for the costs of my business, I'd have a very difficult time staying in business. That's all I can relate it to, sir.

Mr Marchese: But the problem we've got is that there's a guideline increase of 2.8%; there's an extra 3% for capital repairs, and now it goes up to 4% with these guys. You add on top of that property taxes and utilities. Tenants are not making any money. In fact, they're making less than ever before. They don't have anywhere near the kinds of increases that could cope with these kinds of problems. How do they deal with that problem?

The Chair: Mr Marchese, we're out of time.

Thank you very much for coming, Mr Gamble. We're out of time.

MICHAEL ORNSTEIN

The Chair: The next delegation is Professor Ornstein, who is from the Institute for Social Research. You're going to use an overhead, as I understand it.

Mr Michael Ornstein: No, I'm not. What I would like you to see is in some tables in this report, and I believe that's been handed out.

The Chair: Okay. The floor is yours, sir.

Mr Ornstein: I have come before you to present evidence about one specific element of Bill 96: the amendment to the Human Rights Code that permits landlords to use income information in deciding whether an applicant will be permitted to rent accommodation.

Over the last several years, I was retained by the Ontario Human Rights Commission to review statistical data on the effect of commonly used income criteria on various groups protected from discrimination under Ontario's Human Rights Code. I prepared and presented extensive evidence on the effect of income criteria on groups protected by the code to a three-person human rights board of inquiry appointed by the Ministry of Citizenship to consider the issue of income discrimination in housing and to rule on whether excluding members of disadvantaged groups because of their low income violates the Human Rights Code.

1640

My submission here is not made on behalf of the Human Rights Commission but on my own behalf. I am concerned about the consequences of sections 36 and 200 of Bill 96, which involve an amendment to the Human Rights Code that would allow landlords to use income criteria in selecting tenants.

The fundamental issue, I believe, is whether landlords should be able to refuse to rent to disadvantaged groups — this would include social assistance recipients, single mothers, young families, other groups — for the sole reason that they are low-income.

Let me try to make this a little bit more concrete. Typically, landlords who use income criteria use a 30% criterion or a 25% one. What this means is that the rent that's paid should be no more than 30% or 25% of the income of the tenant. If an apartment rents for \$700 a

month, for example, that's \$8,400 a year. The criterion means that individuals or families earning less than \$25,200 could be excluded from renting simply on the basis of this rule.

I should emphasize that I'm not concerned about credit checks, references, rental history. The Human Rights Commission has stated that in cases where such information is available, landlords are entitled to do credit checks, check references and rental history and so on. The problem here is not whether landlords should be allowed to screen for creditworthiness; the question is whether they can simply establish an income criterion and say that prospective tenants cannot rent unless they have this amount of money that's set arbitrarily by the landlord.

The present sections 36 and 200 of the bill permit landlords to disqualify tenants who do not have a good credit rating, a good rental history and so on. What I want to talk about are the consequences for the tenant population of allowing these income criteria to be used. I want to point out that allowing these income criteria would mean that tenants who have paid their rent every single month, who have never defaulted on a payment in their lives, could be excluded from renting housing simply on the grounds that their income wasn't high enough.

As you're probably aware, about a third of the private rental market in Ontario involves people on social assistance. I'll show you much more specifically in a moment. The impact will be to allow essentially any landlord to exclude all people on social assistance from housing. I'm not here to make an argument in the sense of an argument; what I want to do is to present you with information that involves analysis of the census data and another survey from Statistics Canada.

There are lots of questions that social researchers can argue about but not show evidence. This is a situation in which there is a lot of evidence. The census tells you how much people pay in rent. It tells you what household incomes are. It gives a description of tenants so you can look at these things empirically. The material is complicated but it's all there. I'm trying to show you what my analysis of the census and other Statistics Canada data sets show.

I have four questions I want to address.

First, I want to ask the question, what kinds of people will be excluded, potentially, from renting if these income criteria are allowed because of the amendment to these sections of the act?

Second, I want to know how many people who are presently renting accommodation could have been excluded if the bill you're talking about now is passed unamended.

Third, I want to ask whether this is a problem we have just in specific areas, perhaps in the very tight housing market in Toronto, or whether this is a province-wide problem.

Fourth, I want to ask, if poor people are in expensive housing, why is that? What does it tell us about the distribution of rents and of incomes?

I can't go over this material in detail, but you have here — I hope you'll read it at some time — a detailed description of what I've done. I'm going to highlight the

results of this analysis. The details on how this was done are all here.

The first question I addressed was, what is the impact on different kinds of people among renters of this income criterion? Now I'd like you to turn to page 7, if you will, of the handout I've just provided.

I first want to deal with people on social assistance. The social assistance issue is very easy. We know what social assistance rates are. We know a lot about what the distribution of rents is, so you can ask, what is the relationship between social assistance rates and rents in Ontario? The data I'm presenting are from 1990. The data from the census are available from that year and there are no more recent census data.

The results here are much better than you would expect if you were to do this analysis now. That is, the situation I am talking about has worsened, so that the patterns here are certainly exacerbated by the decline in social assistance rates, the 21.6% cut, and a whole series of things that have happened to our economy since that time.

I can summarize on page 7 as follows: If you take a look at the basic needs and shelter allowance components of social assistance and then you take not the absolutely lowest-priced apartments — I picked low rents at the 30th percentile — nobody qualifies. That is, if in Metro Toronto landlords in the private rental market insisted that rent be no more than 30% of income, they would be allowed to prohibit every single social assistance recipient from renting housing in this market.

If you turn to page 8, as you are aware, social assistance recipients through the STEP program were allowed to earn some additional money which was not taxed back. Some social assistance recipients had some additional income, and you might say perhaps they'll have more money. The findings are the same: 100% of social assistance recipients, if these income criteria are applied, will be unable to rent accommodation for which there are these criteria. I want to remind you that these people on social assistance constitute somewhere around a third of all tenants.

If you could turn to page 10, and I'm moving along quickly here, there are a number of other grounds of discrimination that are prohibited by the Human Rights Code. They include gender, family status and so on. I looked at various criteria. If you take a look at the comparison between men and women who are single parents, in 1990 27% of men who were lone parents would not qualify and 51% of women. So women are almost twice as likely to be unable to have sufficient funds to meet these criteria.

There is just a whole series of other things. Lone parents are especially disadvantaged. The consequence of allowing income criteria to be used is that a whole series of groups that are protected by the Human Rights Code would be denied its protection.

If you turn to page 12, young people, especially young people under the age of 20, are disproportionately affected by this, so there's an issue of discrimination on the basis of age.

If you turn to page 13, I looked at the combination of race and ethnic origin and citizenship. Non-citizens —

people who are not born in Canada, people who are racial minorities — all these groups that are protected by the Human Rights Code would be the subject of discrimination, legal discrimination, if income criteria are allowed for housing.

Let me turn to the issue of what the actual situation — I've talked in principle — who could be eligible for housing if there were such criteria. If you ask the question, what happens when 30% is the largest amount that rent can be of your total income, an obvious question is: How many people are already in housing but would not qualify if these criteria were applied? If you turn to page 16, you find that 47% of single parents simply do not have the income to qualify for housing under these criteria — 30% of unattached men, 37% of women who are single and so on.

I asked the question, are we looking at the specifics of a particular market? There are local housing markets. It's not an issue of saying if you live here, 300 miles away, maybe the situation will be better. You have to ask what sort of housing people have in their communities. I did the same analysis for a whole set of areas across Ontario. It's true everywhere. It is not simply that there is a special housing market in Hamilton or in Ottawa or in Toronto. All across the province, the use of income criteria of the kind I am talking about to prevent people from rental accommodation will disproportionately affect the same groups: lone parents, especially female lone parents, young people, people of colour. All these things go together. The patterns are the same everywhere.

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Finally I said maybe the housing market isn't working too well. Maybe the problem is that poor people are in too good housing, and if only they were better housing seekers we wouldn't have these problems. That is, we should say to people whose budgets are strained by the cost of their accommodation: "You're probably a bad seeker. Go out and look."

This question too can be addressed with my data. You ask the following question: If you have people with different incomes that are in a row from highest to lowest and you have rents that are in a row from highest to lowest, how well are they aligned? The answer is that they're very well aligned. In the whole province what you have is people who are well off and who are tenants living in more expensive housing — it's better housing; it makes sense — and people who are poorer living in poorer housing.

It's not a perfect relationship. You know why. Some people rent housing for a very long time. The housing cost was low and they were lucky. They ended up in very good accommodation. Some people are better at finding housing than others. A lot of rental accommodation turns over through networks of friends, through relationships, through families. You can't have a perfectly oiled market; it's simply impossible. It's especially impossible when you have a 0.5% or 1% vacancy. So as a practical matter you cannot say that the reason why people live in expensive housing is because they're poor seekers. Poor people on the whole live in low-cost housing, and it's impossible to imagine on the whole that poor people

could get out of these binds simply by looking better. It's absolutely impossible.

Why does this happen? It happens because there is a structure of the costs of rental accommodation and it has to do with the housing market. There is a structure of income which has to do with high unemployment in our economy, which has to do with some jobs paying better than others, which has to do with families having more income than lone parents. You know all these things well.

The fundamental problem is that many people in our province have to pay a lot for their housing and they have no choice. That has to do with what housing costs and what income is available. I'm concerned that if you allow the bill to pass unamended, you will allow discrimination against people who are very poorly off now, who have very little in the way of alternatives, and you won't make things better for landlords. The bizarre thing — I know this material very well — is that in the legal case, the human rights case I was involved in, the landlords were unable to show that poor people with less income were in fact more likely to default on their rent.

The problem is that this bill hands a weapon to landlords that allows them to unfairly discriminate. Landlords may feel it's in their interests to keep low-income tenants out, but that isn't even true either. I urge you to amend this bill, not to allow income criteria.

The Chair: Thank you, Professor Ornstein. Unfortunately we are out of time, but I thank you for coming and making your presentation.

CENTRE FOR EQUALITY RIGHTS IN ACCOMMODATION

The Chair: The next delegation is the Centre for Equality Rights in Accommodation, Bruce Porter. Good afternoon.

Mr Bruce Porter: The Centre for Equality Rights in Accommodation, you may not all be aware, is an organization that deals with human rights in housing. We've been around for over a decade. We deal with approximately 800 cases of discrimination each year across Ontario and represent the majority of human rights claimants at the Ontario Human Rights Commission.

We deal with many forms of discrimination. The most common is receipt of public assistance, which constitutes about 40% of the claimants we deal with in housing. You are, I'm sure, aware that receipt of public assistance is currently prohibited as a form of discrimination in the code. Other forms of discrimination are family and marital status, which is 26% of our cases; race and ethnicity 11%; disability 9%; and age 8%. In almost all cases, those facing discrimination in housing are low-income. Over half of those reporting discrimination to CERA are on social assistance.

Some committee members may not have been aware until they heard Professor Ornstein, or at least until the last few days, that buried within the wide-ranging changes to rent control, landlord and tenant law and rental housing protection in Bill 96 is a section which would amend the Human Rights Code to effectively eliminate fundamental human rights protections we have relied on in this province for over 15 years.

As the provincial organization specializing in human rights in housing, CERA's primary concern must be to alert this committee to the catastrophic consequences of section 200 of Bill 96. We rely on others who appear before the committee to address the many other provisions of Bill 96. We do, however, register our shared concern about the removal of fundamental tenant protections and about the way these changes will affect the most vulnerable groups in Ontario.

We are concerned that the greatest burden of the removal of rent controls on re-rented apartments will be borne by the most vulnerable groups: young families, newcomers and others who are seeking new accommodation. We are concerned that the repeal of the Rental Housing Protection Act will reduce the supply of scarce affordable housing and increase discrimination; and we are concerned about the weakened security of tenure for all tenants, particularly for those relying on care homes, who should not be denied the equal protection of the law because of their disability.

We will focus, though, on the amendments to the Human Rights Code in section 200 of the act, as this has the most direct and tragic results for our work in human rights in housing. It is, fortuitously, the one section of the act which the Minister of Municipal Affairs and Housing has suggested will be open to amendment, following communications from Keith Norton, the chief commissioner of the Ontario Human Rights Commission, expressing alarm at the effect the amendment would have on existing human rights protections in housing.

Let's look briefly at what section 200 does. The committee members may feel, when first looking at it, that it's a relatively innocuous section. It amends the Human Rights Code to ensure that landlords are permitted to use a number of practices in selecting prospective tenants. Most of the practices listed, including credit checks, references and rental history, are almost universally practised, and practised in a non-discriminatory fashion, in conformity with the Human Rights Code.

There was some panic among landlords in recent years when it was wrongly thought, I think, that the Human Rights Commission was intending to prohibit the general use of credit checks and references, so we do not really oppose amending the Human Rights Code to clarify that those practices are permitted and to clarify any restrictions which may apply to those practices.

We are not, nor is the Ontario Human Rights Commission, challenging the rights of landlords to check prospective tenants' credit and rental history or to refuse to rent to tenants on the basis of a negative record or reference. It's not always fair, for example, to deny somebody accommodation because they have not been able to pay their bills at the Bay but have always paid their rent on time, but we don't see it as a violation of the Human Rights Code. We don't see that there is an argument there, so fine. Clarify that these practices can be used.

There are necessary restrictions to the use of credit and reference checks which can either be included in regulations, as is suggested in section 200, or our preference would be to include it in the Human Rights Code itself. The Human Rights Code does not generally rely on

regulations to clarify substantive provisions of this sort. We put the things right into the Human Rights Code.

The chief commissioner has asked the committee to ensure that young people or newcomers to Canada are not disqualified from renting apartments merely because they have no credit records or landlord references. In other words, a bad credit rating or reference is a valid consideration, but the absence of such information is not a valid consideration.

I think that will strike all the committee members as reasonable. Refusing to rent to prospective tenants simply because they have no records, because they're recent arrivals to the province or because they're young families renting a first apartment, is completely unreasonable, as we would be consigning large segments of the population to homelessness.

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None of this requires a major change to section 200, so what's the problem? The problem is that in addition to these assessments of creditworthiness, there's one additional bit of information landlords are permitted to use under section 200, and that is income information.

The effect of including income information is to move way beyond the right of landlords to assess creditworthiness. Instead, it gives them the right to exclude whole classes of people, entire groups protected by the Ontario Human Rights Code, simply on the basis of their income. Landlords would be allowed to refuse to rent to social assistance recipients, single mothers, young people, seniors, people relying on disability pensions, a wide range of groups, even where they have no reason at all to believe these people would be at high risk of default, where they had absolutely good credit ratings and good references from their landlords.

Including income information thus changes it from a provision which ensures landlords can engage in reasonable assessment of creditworthiness to one which virtually gives them the unfettered right to discriminate against disadvantaged groups. It effectively removes the protections in the Human Rights Code for all of these groups that are the most disadvantaged in the housing market.

As the chief commissioner said in his letter to Mr Leach and to Premier Harris, including income information in section 200 "will effectively authorize discrimination against people on public assistance. It will wipe out the protection provided by the code on the ground of public assistance for all practical purposes."

It does not matter that section 200 allows for regulations which could govern the use of income criteria. It is simply impossible to use income information without disadvantaging people on social assistance or single mothers who have the lowest incomes. The commonly used 30%-rent-to-income rule, as Professor Ornstein has eloquently shown, results in the complete exclusion of people on social assistance and the almost complete exclusion of a number of other groups protected by the Human Rights Code.

What is the effect if we wipe out the protection for people on social assistance in this province after having had it in place for 15 years? Receipt of public assistance is the most widespread and destructive form of discrimination in housing in Ontario. Surveys in Metro Toronto

have shown that one third of apartments operated by smaller landlords and half of affordable units rented by larger landlords are already refusing to rent to people on social assistance, even when it's illegal to discriminate on that basis.

Receipt of public assistance has been the most common form of discrimination reported to the Human Rights Commission in housing for the last decade. The newly appointed chief commissioner of the Canadian Human Rights Commission has said recently that discrimination against social assistance recipients and the poor is the most pressing human rights issue of the decade. This is not the time to remove the protection in the Human Rights Code for people on social assistance.

In 1981, when receipt of public assistance was added as a prohibited ground of discrimination in the Human Rights Code, landlords came before the committee at that time and said, "You're going to force us to rent to people who aren't creditworthy." It was the same kind of argument as is being made today. The Conservative government at the time rightly rejected that argument, saying there's no evidence people on social assistance are more likely to default on rent, and there isn't any evidence that people on social assistance are likely to default on rent.

In fact anybody who has worked with people on social assistance or has been on social assistance knows that the very first priority, when you're trying to rely on that kind of income, is to pay the rent. You pay the rent at the beginning of the month and then you maybe go hungry, maybe you use food banks. But you pay the rent because that is what defines the difference between you as a person with any dignity left and complete homelessness and destitution. If you're a single mother with children, that is what you hang on to as the most important thing in your life.

You can't look at the rent-to-income ratio and think that is somehow going to suggest whether the person is more likely to default on rent without looking at how important their housing is, how important it is to these people to hang on to it, to not be thrown out into a market with a bad credit rating, and have a bad reference from the landlord and be in receipt of public assistance. You're looking at the most severe consequences imaginable, up to and including relinquishing children to the children's aid society.

Professor Ornstein has shown that the effect of income criteria is not to direct people to more affordable accommodation; it's the opposite. It keeps them out of the lowest-rent apartments and forces them to rent higher-rent apartments, if they're lucky enough to be able to get anything. Restricting choice does not lead people to find cheaper accommodation. It leads them to be forced into more expensive accommodation.

That not only has personal tragic consequences, it has major fiscal consequences for the government. The major component of social assistance costs is shelter allowance costs. If you force people on social assistance into a position where they're getting access to maybe 10% of the lowest-rent apartments or fewer, maybe to none of them, only to the most over-priced and undesirable apartments on the market, then they pay higher rent. Then

we're paying higher shelter allowances to cover the costs of those rents.

A government with any interest in saving money has no interest in legalizing discrimination in the private market against people on social assistance. There's been a motion from Metro council that is going to be — I understand Chairman Tonks is going to be appearing before the committee to express concern about the fiscal consequences to municipalities with the province saying, "You pay a portion of the shelter allowances, but we're going to allow discrimination so the people on social assistance can't get housing without paying far more than anybody else." It's simply irresponsible fiscally as well as morally to permit this type of discrimination.

There is no business justification for the use of income information in selecting tenants. N. Barry Lyon consultants, a real estate consultant firm, did a survey of landlords to find out what practices they use in selecting tenants. They found that 99% of landlords used references. This is a universal business practice. This is what landlords rely on. A minority of landlords used income information — 40% of large landlords, only 17% of small landlords.

When the Fair Rental Policy Organization did a survey of tenants in Bramalea to try to see whether there was any correlation between rent-to-income ratio and default, the results ended up showing there was no discernible difference. In 1988, defaulters actually had a lower rent-to-income ratio than the non-defaulting sample of tenants. In 1993, it was the opposite; there was no discernible difference. So there has never been a study that shows there's any relationship between being low-income and defaulting.

Obviously, it makes intuitive sense that people who default on rent maybe have found themselves in a position where they can't afford to pay it. But don't mistake that for the idea that refusing to rent to people at the outset of their tenancy is going to reduce risk of default, if you screen out the low-income people then. The people who are finding themselves defaulting are almost always in a position where they've experienced a change in circumstances. They've lost their job; they're had some kind of catastrophic event which meant that an apartment they could previously afford is no longer affordable to them.

Tenants have no interest in renting apartments they can't afford. It's simply a myth. If any tenant tried to rent an apartment where their income clearly didn't cover the cost of the rent, they would have no grounds for a human rights complaint in housing. CERA has never even seen such a case, let alone taken such a case forward. The Human Rights Commission has never taken such a case forward. So don't get tortured about some scenario about a tenant showing up who makes \$800 a month, wanting to rent a \$1,000-a-month apartment. It just doesn't happen, and if it did and they tried to file a human rights complaint they wouldn't get anywhere.

The issue is income information being used to deny the most disadvantaged groups access to the most affordable accommodation. That is the issue and it has to not be allowed because the consequences of removing virtually

all the protections from discrimination in housing in this province would be an absolute catastrophe.

When this government was elected it said it didn't believe in equity, but it did believe in equality of opportunity. This issue happens to be one in which we don't happen to be talking about equity. We're not talking about households who are saying, "Give me a subsidy" to be able to rent their apartment. We're talking about people who are struggling, who are successfully paying 60% or 70% of their income towards rent because they have to. They need housing and they want to simply have the chance to put first and last months' rent down and to pay their rent every month.

If they get a bad credit rating so they don't have any good references from landlords, then the landlord would have some justification in saying, "I don't think you're creditworthy." To rule them out simply on the basis of the fact that they happen to be single mothers or people on social assistance is not fair and it's not good business practice.

It was shown in the survey of Bramalea that they were losing 40 times more in vacancies than they were in default and yet they were disqualifying more than half of the tenant population who were currently paying the rents Bramalea was charging. This is not rational. This is discrimination. It has to continue to be prohibited in the Human Rights Code.

The Minister of Municipal Affairs and Housing said in the Legislature that his main concern is with landlords being able to assess creditworthiness. For that reason, he said he's prepared to consider the amendment proposed by the chief commissioner, Keith Norton, to strike income information from the list of practices which would be permitted.

Please take the minister up on his promise. Propose that amendment and make sure we preserve some semblance of human rights protections in this province.

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Mr Duncan: In section 200, if we simply struck out the two words "income information," and the rest of this section was left, would that be amenable? That would give effect to amending the Human Rights Code and including in the code the other provisions around credit check.

Mr Porter: That would be the simplest way. In our view it's not the best way, simply because as I mentioned earlier, we don't think it's the best way to go to have all these issues put off to regulations.

Mr Duncan: That's my point. I believe section 200 amends the Human Rights Code. It would amend the code to specify it does provide for regulation as well.

Mr Porter: If you don't provide for regulations, then you simply need to add the issue that is addressed by the chief commissioner in saying that when you permit credit references and credit checks as a criterion, you should simply add, "However, absence of such records or information is not to be used as a consideration in selecting tenants." That would cover the issue of young people and newcomers who otherwise would be unfairly excluded.

If you put that right in the code, you don't need regulations, and the committee, which will be hearing this issue and have an expertise on it, will have control over

the ultimate effect of the amendment, instead of having all the main issues put off to regulations, where we don't know what can happen.

Mr Marchese: I thank you, Mr Porter, and I thank Michael Ornstein for the presentation. It was quite lucid. I'm not sure there's anything I need to ask. I'd like to leave my time for the Tories to ask you questions.

Mr Gilchrist: At the outset, let me just say categorically we agree with you. It's certainly not the intent of this bill as it's drafted or when it comes through for third reading to have anything that would promote discrimination against any groups, particularly those who are starting out in the workforce for the first time or are recent newcomers to Ontario.

I'm not going to ask you to comment in detail on Professor Ornstein, and unfortunately we didn't have time, but you make reference to some of the same numbers in your report. There's nothing in this bill, there's nothing the ministry has ever said that would lead anyone to believe that 30% is being contemplated as a rule. While the numbers that have been crunched here are fascinating, and I accept them at absolute face value, and based on the status quo a 30% rule would be devastating if that was applied indiscriminately, where is anybody proposing a 30% rule?

I would have thought that since both you and Professor Ornstein have already indicated, and I would agree with you, that things such as credit checks and credit references are already the practice across the province and are quite acceptable in terms of how one enters into a contract, and that's a reasonable thing for two parties to agree to, for that information to be shared, is there not an aspect of income information which, if anything, would buttress the prospective tenant's case?

I can think of a number of scenarios where someone may have been bankrupt but now has a good job. Do you see no opportunity — again you pick the number — at 40%, at 50%, or at something that simply relates the current income with no reference to past standing? Are there no circumstances where a former bankrupt, for example, will benefit from having current income information?

Mr Porter: That's a good question. The problem with trying to fix any particular percentage that's higher than 30% is that all the same kinds of concerns that were identified by Professor Ornstein, although less universal and dramatic, will actually be there as well. I'm sure Professor Ornstein would, if given a chance, answer in the same way.

In other words, if you raise it to 50%, you're just going to catch the more disadvantaged, the single mother on social assistance who has to pay 60%. If you put it at 60%, you know there are lots of people who are paying 65% and 70% of their income towards rent on social assistance. So where is the line you're going to be able to find?

The issue you raise about landlords using income information in a constructive way is a good one, but let's be clear. This does not mean that landlords have to somehow cover up their mouths and not ask anybody what their income is. There's nothing in the Human Rights Code that says landlords can't ask questions in accommodation related to prohibited grounds of discrimination. The issue is how they use that information.

In employment you have a specific provision which says: "These questions can be asked in application forms. These questions can be asked in interviews." The code is silent, though, in the area of housing, and we take that silence as a suggestion that it simply wouldn't be that realistic to suggest that someone entering into conversation with a prospective tenant would be violating the code if they slipped and asked, "How many kids do you have?" or "How old are they?" out of interest.

If somebody wants to say, "Look, I was bankrupt five years ago, but I now have an income of \$70,000," you don't need to put that in section 200 to permit that. The problem is that if you put anything in section 200 about income information, you're actually going to universalize a minority practice. You're going to have landlords and everybody — wait till you see the next book that's put out, saying, "These are the things you are permitted to use when you're assessing prospective tenants." The landlord sees income information, the landlord sees credit checks, and that's what they will use.

In other words, you're taking a practice which now is only done by a minority of landlords and you're going to encourage everybody to do it, even though there is no evidence that it's workable or that it does them any good. They'll just do it because that will become the universal practice, with catastrophic results. The simplest thing is just not to deal with it. Don't put in anything about it and leave the code the way it was.

Mr Gilchrist: In all sincerity, would you not see a problem being created? You say that in an employment context you can ask other questions. You could ask them in writing, you could ask them orally. If it is silent in the act and you have a circumstance where, if income is not mentioned in the regulations, and a landlord says, "Listen, by any other criteria, I can't do it" — if you were a former bankrupt, for example — what possible negative exposure will there be for the landlord if he even asks that question?

Mr Porter: My sense from everybody I've consulted with is that the list will not be interpreted to be exhaustive. In other words, all it does is say, "Go ahead and use these things." It doesn't say you can't use something else. Leaving it out would simply mean it wouldn't be encouraging them to use it.

The Chair: Thank you for coming, Mr Porter.

URBAN DEVELOPMENT INSTITUTE OF ONTARIO

The Chair: Our next delegation is from Stephen Kaiser of the Urban Development Institute.

Mr Stephen Kaiser: Good afternoon, Mr Chairman, members of the committee, ladies and gentlemen. My name is Stephen Kaiser, as mentioned, and I am president of the Urban Development Institute of Ontario. On behalf of the Urban Development Institute's apartment group, I'd like to thank you for the opportunity to speak to you this afternoon and provide our thoughts on the Tenant Protection Act, Bill 96, from the perspective of the apartment development and property management industry.

The Urban Development Institute's apartment group was established in 1957 to represent Ontario's residential

rental property industry. Our members include residential landlords and property managers representing large and small buildings, totalling more than 50,000 apartment suites across Ontario.

In terms of my background, I was at one point in my life a tenant; I've been, on a very small scale, a landlord; I've been involved in the private sector as both a small-scale builder-developer and also as a large-scale builder-developer; and I travelled this province as president of the Ontario Home Builders' Association back in 1993. I think my past experience, coupled with my current role today, lends a useful perspective in terms of the bill we're discussing.

Over the course of these hearings, you will hear from a number of industry groups that will speak generally in favour of the direction of the bill. The Urban Development Institute is part of a group calling itself the Rental Housing Supply Alliance which was formed in 1995 to address the issue of how to overcome the barriers to rental housing in Ontario. That group also consists of the Fair Rental Policy Organization, the Ontario Home Builders' Association and the Metro Toronto Apartment Builders' Association. Collectively, we've worked since 1995 to find a solution to the rental housing supply problem that exists in Ontario today.

Clearly, there are a number of issues that must be addressed to correct the current situation. All these other areas were clearly spelled out in a report prepared for the government by Greg Lampert in November 1995. These areas included development charges, property taxes that give unfair treatment to rental buildings, the effects of the GST, municipal fees, building code requirements, along with a number of other fees and regulations.

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We support the direction of Bill 96 and believe it represents a step in the right direction in terms of addressing those problems outlined by the minister this morning, those problems being that the rental housing stock is rundown in this province, with over \$10 billion of repairs needed to rental buildings across Ontario; maintenance in some cases is poor; new rental construction is almost non-existent; and vacancy rates in many cities are low. Clearly there is a problem when the statistics show that only 20 rental units were produced by the private sector in the GTA in 1995 and, at the same time, 610 units across the province as a whole.

Rental housing is a key piece of the housing system in Ontario, and the rental housing sector is clearly broken. The reason for this is clearly the housing policies of previous governments that have vastly distorted the market. There is no longer an environment that encourages the private sector to build rental units, even with the low interest rates and low vacancy rates we are currently experiencing.

The legislation before you is one piece of a puzzle to restoring a climate that results in the private sector investing in new rental stock. We cannot continue the status quo and we certainly cannot afford the social housing program of the previous government. Collectively, we must find a solution. At the same time, though, we must remember that we are talking about something that is not just bricks and mortar or a business, but that today

and tomorrow is a home to a young person, to a married couple, to a family or a retired pensioner.

I've brought with me copies of our position paper which deals specifically with certain areas and sections of the bill. I'll leave that with you when I depart. When planning today's presentation, I debated whether to read 20 minutes of specific concerns or to use the time to discuss the more general provisions of the legislation. I think our time, especially as it's early in the standing committee process, would be better spent discussing the general direction of Bill 96; however, I hope you will take the time later to review our more specific comments. At this time, I'd welcome any discussion or questions you might have.

Mr Marchese: Mr Kaiser, I'm looking at the list presented by Mr Lampert. He says there is a serious gap, a \$3,000 gap per unit, that exists at the moment, and unless we overcome that there won't be much housing being built. First on the list: reducing development charges. The government has done that a little bit, but obviously not much.

Mr Kaiser: We tried, as you'll recall.

Mr Marchese: They tried too, but Hazel McCallion resisted it, so you guys had a hard time. That's a little reduction that's not going to be helpful.

Equalizing property taxes: It's \$1,200 to reduce that gap. When cities do this, if they do it, they have a serious political problem on their hands, right? You will admit that's a problem.

Mr Kaiser: This decision to reduce taxes has been handed down to the local level, and that's something to be debated.

Mr Marchese: They've got a problem, though. If they want to shift from one to the other, someone's going to lose, someone's got to pay.

Mr Kaiser: Someone has to bear that cost.

Mr Marchese: It's a problem for cities, politicians in particular.

Mr Kaiser: It's certainly going to be a debate within the municipality, yes.

Mr Marchese: For sure. Then you say halve the GST. That's going to be a problem.

Mr Kaiser: The federal government has a new mandate, and hopefully we can continue those discussions.

Mr Marchese: God bless. So that's a problem.

Streamline regulations on building: That's 400 bucks. Halve the CMHC mortgage insurance fee: It's 110 bucks. Lower administration due to reform of rent regulations: By that, I think they're referring to this bill.

Mr Kaiser: To a large extent.

Mr Marchese: That's 200 bucks. Eliminate provincial capital tax: That's \$370.

We've got a problem. I'm assuming that if we don't deal with this, we're not going to get anything built. Do you agree?

Mr Kaiser: No, I don't agree. You've listed a number of concerns. The actual step of building the building is a decision made through two ways. One is a decision made through looking at a pro forma, a balance sheet, in terms of putting all the costs together and making the decision about whether to build based on the return of the build-

ing. That's a business decision. The other part of the decision is a little more intangible, and that's based on the business climate or the climate that exists for that industry at the current time. This legislation will certainly cover off on creating the better climate for the rental housing sector in terms of going ahead and reinvesting.

But you are absolutely right. There are other areas that need to be covered off, and each decision will be a different decision. Each pro forma, as an individual builder looks at it, will be different, based on their situation, based on what they've put the land component in at. You've probably seen in the *Toronto Star*, just as I have, that Metro is discussing perhaps putting land in at very low cost, if not zero, to try to get the industry building rental housing. You're absolutely right, Mr Marchese. There are many ingredients that go into this, but this legislation is certainly one of them.

Mr Marchese: I'm very worried, because under a Liberal climate up there and provincial Tory climate down here, you'd think things would be improving a whole lot. Some people think they are, yet unemployment is very high. I'm worried about the housing problem. I think we've got a crisis now. This government says they don't want to build, and you support them because you obviously consider social housing a problem, at least being done by the provincial government. So we have a housing crisis, where people on low incomes are going to have a hell of a time finding a place, including how this bill is going to affect them.

You seem to think the tenants will be all right by this legislation, I guess. Given the shortage of housing, you are again assuming that everything should be okay, by and large, for these people. Is that your sense?

Mr Kaiser: To back up, I think we're at a fork in the road. Either we progress down the road your government was following — and we can be frank about that. The social housing program created some very good housing for people and there are some very good people connected with that system. I've been at Christmas parties of co-ops and whatever, and I've been inside co-ops. The problem, though, is that we can't afford to continue to build that any more as a province and we can't afford to subsidize all the people who get subsidized in there. So we come back to a fork in the road. As we're at that fork, we either go back down that road or we try and find a way to stimulate the private sector and get them building rental housing again.

Mr Gilchrist: Mr Chair, how much time do we have?

The Chair: Each caucus has four minutes.

Mr Gilchrist: That will be adequate time. If you'll forgive me for one second, Mr Kaiser, pursuant to our past practice, I wanted to reopen something we had discussed earlier this afternoon. I said that at the first opportunity — Mr Marchese, I certainly did not mean to mislead you or anyone else. I had assumed that Mrs Jacobson, when she said she had declined the landlord's request to go to \$1,500, had decided to move. That is why I said, "You will not face maximum rent." I certainly did not mean to suggest that for any building prior to your exclusion, which was 1992 or earlier, which is covered by rent control, there would not still be a grand-

fathering. I was referring to her case. If that distinction was lost, forgive me. I did not mean to mislead you.

Mr Kaiser: I'm intrigued. Mr Marchese referred to the Lampert study, and he has done that a couple of times. I don't know if you're familiar with that report or the fact that there was 1996 update to the original report which was tabled in the first year of our mandate. Are you familiar?

Mr Kaiser: Yes.

Mr Gilchrist: Not to put you on the spot, but you may recall that the update incorporated a lot of the things that have changed in this province in the last two years, some of them considerably positive as regards the developers of buildings like this. He made the observation that one of the most compelling and important changes needed to be the reformed property tax. I'm sure you're aware that, on average, people who live in apartments are paying twice the amount per square foot in property taxes as the same size freestanding home and that we have recently passed a bill that will allow municipalities the opportunity to redress this. As a ballpark figure, on average you're looking at about \$1,200 a year, which Mr Lampert built into his report.

Would it be your considered opinion that a \$100-a-month differential, particularly given that this bill allows, in fact almost demands, a flow-through of property taxes, if they're reduced, to the tenants immediately change the formula to allow the construction of apartments to be a viable business again in Ontario?

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Mr Kaiser: To answer your question, Mr Gilchrist, it's somewhat like a tap. It's hard to say at what point in time construction will start, what's the exact point where you can say, "That'll do it." This legislation may at some point be the catalyst that leads certain companies, again based on their pro forma and where they're at, the land they're holding etc, to say, "Okay, we're going to go ahead and build."

Actually, I've been involved in discussions with companies on the verge of looking at building. To be candid with the committee, the rental units they're on the verge of building are a higher-end rental unit. But they are on the verge of building rental units, to start the process to increase the supply in the province.

In answer to your question, Mr Gilchrist, yes, every little bit helps. Certainly something as large as that is a big step in terms of getting more rental housing built or freeing up the climate so it could happen.

Mr Gilchrist: We certainly call on the municipalities to avail themselves of this opportunity.

There's one last thing I would ask you to comment on. We hear a lot discussed about the fact that most construction has been in condos or, as you mentioned, perhaps in high-end rental. What will landlords do if, as is the case today, at anything over \$900 a month, the math is that there are affordable freestanding homes, given the mortgage rates available today? Given that there is not a high demand in that level of apartment rentals, what will the landlord do if they can't rent at, say, \$900 a month? Is it your experience that they will let it sit empty, or will they try to get \$800, and if they fail to do that, will they

try to get \$700, at which point a tenant would be locked in, in older buildings?

Mr Kaiser: If you look across the GTA, especially in the high-end units, the high-end units aren't anywhere close, in some cases, to their maximum allowable rent. That's strictly a function of the market.

Mr Stewart: Previous speakers suggested we should not be looking at income checks on people; only refer to credit info and references. Whether it is representative of your organization or not, what are your comments on that?

Mr Kaiser: To be candid, you have some speakers coming forward who deal in the rental industry on a day-to-day basis and can probably answer that question a lot better than I can.

Mr Stewart: But you did have small rental units and you built. Do you not feel —

Mr Kaiser: As a landlord, it's a business decision. To have the best facts available in making the decision to letting out the place you own certainly helps in that decision.

Mr Sergio: I have exhausted all my questions for Mr Kaiser from previous times. I'll bow to my colleague. He brings nothing new, but I guess he's doing what he has to do on behalf of the industry, and I commend him for that.

Mr Duncan: Thank you for your thoughtful presentation. We do not agree with you on the issue of price regulation. We believe there is a place for price regulation, that there ought to be price regulation.

However, we are not unsympathetic to issues around property tax reform. The way the government has handled it, we think you won't see any benefits from that. They've left it to the discretion of individual municipalities at the same time that they're downloading a number of municipal services and downloading approximately \$1.6 billion in additional costs. I'm not optimistic we will see that at the municipal level, particularly in municipalities with a large urban core, where this is such a key issue.

There have been a number of amendments to the Planning Act that may or may not cause a breakthrough in the so-called psychological barrier to investment in rental accommodation in Ontario.

We've yet to see the building code amendments. I'm given to understand they will be out later this year and there will be an opportunity for full public discussion.

The same again: reform to the Development Charges Act, which has long been an issue of concern.

On the issue of capital taxes, the government has also indicated they're still assessing it.

What we're left with, in my view, is a situation where a number of Lampert recommendations have not been acted upon. We agree with landlords that there is a problem, and there is likely to be a growing crisis in the supply of rental housing. We think we can achieve the breakthrough in the so-called psychological barrier to investment in rental accommodation in Ontario and at the same time have a meaningful form of price regulation. We think price regulation, or rent control, is an important protection, particularly in large urban areas.

I thank you for your presentation and on behalf of the official opposition want to say that we are not unsympathetic to a number of the issues you've raised, but we do part company on the issue of rent control.

Mr Kaiser: I guess we would say back, Mr Duncan, that we don't think it's up to the private sector to subsidize the housing stock of Ontario, and we need to make some fundamental changes in that direction.

Mr Duncan: Fair enough.

The Chair: Thank you, Mr Kaiser.

Mr Kaiser: Thank you very much. We appreciate it. If members have any questions down the road, I'd be happy to entertain them.

The Chair: The last delegation is the small landlords' association, Shawn Makhdumi. Clerk, perhaps you could call the name out into the hall to see if he's here. Not

here? Thank you. Mr Makhdumi is not here, for some reason, so that concludes —

Mr Wettlaufer: On a point of order, Chair: Could we have a five-minute recess? Perhaps if they're late we can come back.

The Chair: Actually, this delegation was supposed to have started 10 minutes ago, so he's already 10 minutes late. I'm in the hands of the committee. Does anyone else feel —

Mr Gilchrist: I think 10 minutes is plenty.

The Chair: That concludes the presentations for this afternoon, ladies and gentlemen. The committee will adjourn until June 19 at 10 am. We will be meeting in room 151.

The committee adjourned at 1736.

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